



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317568-23

#### Development

Upgrade of Gorman to Platin 110 kV overhead line (OHL) (19.76 km in length and comprising 109 no. supporting structures) along with all associated site works. NIS lodged with application.

#### Location

Gorman substation to Platin substation, Co. Meath

#### Planning Authority

Meath County Council

#### Planning Authority Reg. Ref.

23/458

#### Applicant(s)

EirGrid PLC

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party

#### Appellant(s)

Celene Sheehy  
Carroll Brothers Investment Limited

#### Observer(s)

None

**Date of Site Inspection**

8<sup>th</sup> September 2024

**Inspector**

Elaine Power

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## **1.0 Site Location and Description**

- 1.1. The proposed project is located within the townlands of Graigs, Ardmulchan, Dollardstown, Dunmoe, Carranstown, Platin, Haystown and Carnuff, Stackallan, Harmanstown, Causetown, Garballagh, Commons, Downestown, Gillinstown, Longford, Rathdrinagh, Painestown, Thurstianstown, Knockcommon, Drumman, Laughher, Newtown and Platin.
- 1.2. The appeal site comprises the existing Gorman to Platin 110 kV Overhead line (OHL), which is c.19.76 km in length and incorporates 109 no. supporting structures between the existing Gorman substation located c. 5.5km north-east of Navan and the existing Platin substation located 4km south-west of Drogheda. The existing supporting structures comprise 10 no. Masts (8 no. Angle Masts and 2 no. End Masts) and 97 no. intermediate wooden polesets (IMP). There are 2 no. additional new Line Cable Interface Masts (LCIM 77 and 78) to be constructed on the Gorman – Platin OHL in advance of the proposed uprate project to loop in a new solar farm at Gillinstown approved under Reg. Ref. 22/262. These works will be carried out prior to the proposed development.
- 1.3. At present Gorman – Platin is a single circuit, earthwire between structures 1 - 6 and 94 - 108 and non-earthwire between structures 6 - 94. There is no fibre present on the OHL.
- 1.4. The OHL is orientated in a south-east direction from Gorman 110kV substation towards Duleek and then in a north-eastern direction towards Platin 110kv substation. The surrounding area is generally in agricultural use. The topographic levels are undulating and vary along the route.

## **2.0 Proposed Development**

- 2.1. The proposed development comprises the uprating of the existing Gorman to Platin 110 kV Overhead line (OHL). The proposed uprate works comprise:
  - Replacement (restringing) of the existing OHL circuit conductor wires with a new higher capacity conductor including installation of a new fibre communication connection.

- Replacement of 42no. existing intermediate polesets (IMP). The replacement structures will be constructed at, or immediately adjacent to the existing structures they will replace, they will be along the same alignment as existing structures and will be of a similar height and appearance.
- Replacement of steel members at 8no. steel Angle Masts (AM).
- Replacement of hardware and fittings at all structure locations.
- Replacement and relocation of fibre communication structures.
- Earthwire to be replaced between Angle Mast (AM) 94 and End Mast (EM) 108.
- Tower painting at 10no. steel masts.
- Foundation strengthening works at 4no. angle masts.
- Anti-climbing guards to be installed at 1 no. location.
- All associated works within the existing Gorman 220kV substation and Platin 110 kV substation to accommodate the uprated 110 kV overhead line including alterations to existing apparatus.
- All associated temporary site development works to gain access to the existing structures including clearance of vegetation, disassembly and reassembly of gate posts / piers and removal and reinstatement of existing fencing, and
- Other temporary associated and ancillary site development works required for the purpose of the uprate of the existing circuit, including construction compounds, silt traps, silt fences, stone tracks, ground protection mats, infrastructure crossing support systems and temporary watercourse crossings.

2.2. The proposed project also includes uprating lead-ins at both Gorman and Platin 110 kV substations. At Gorman substation this includes uprate of the line droppers and undertaking a structural analysis of the substation's gantry and at Platin 110kV substation this will include uprate of the bay conductor, uprate of the line droppers and undertaking a structural analysis of the substation's gantry.

2.3. A Natura Impact Assessment was submitted with this application.

### 3.0 Planning Authority Decision

#### 3.1. Decision

Permission was granted subject to 6 no. conditions.

#### 3.2. Planning Authority Reports

##### 3.2.1. *Planning Reports*

The planners report dated 20<sup>th</sup> June 2023 raise no objection to the proposed project and recommended that permission be granted subject to standard conditions.

##### 3.2.2. *Other Technical Reports*

*Public Lighting Section:* Email dated 10<sup>th</sup> May 2023 had no comments on the application.

*Broadband Officer:* Email dated 22<sup>nd</sup> May 2023 raised no objection.

*Transportation Department:* Report dated 19<sup>th</sup> June 2023 raised no objection subject to the submission of a Construction Stage Traffic Management Plan prior to commencement of development.

*Environment Department:* Email dated 20<sup>th</sup> June 2023 raised no objection from a flood risk perspective.

#### 3.3. Prescribed Bodies

*Transport Infrastructure Ireland (TII):* Report dated 30<sup>th</sup> May 2023 raised no objection subject to conditions.

#### 3.4. Third Party Observations

3 no. third party submissions were received by the planning authority. The concerns raised are similar to those outlined in the observations below.

### 4.0 Relevant Planning History

#### *Appeal Site*

ABP-312519-22 – Pre-Application Consultation: The Board received a request in 2022 from EirGrid PLC to enter into pre-application consultations under Section 182E of the

Planning and Development Act, 2000 (as amended) in relation to proposed development consisting of upgrading of 5 no. existing 110 kV circuits at

- (1) Gorman-Platin 110kV Circuit in County Meath,
- (2) Drybridge-Platin 110kV Circuit in County Louth and County Meath,
- (3) Cashla-Salthill 110kV Circuit (part of) in County Galway and Galway City,
- (4) Crane-Wexford 110kV Circuit in County Wexford, and
- (5) Newbridge-Portlaoise 110kV Circuit (part of) in County Offaly and County Laois.

The Board considered that the proposed development did not fall within the scope of Section 182A of the Planning and Development Act 2000 (as amended) and, therefore, did not constitute strategic infrastructure and that a planning application should be made in the first instance to the relevant planning authority.

Reg. Ref. 22/262: Permission was granted in 2022 to extend the duration of Reg. Ref. LB/160898) to construct a solar farm at Garballagh, Co. Meath. This project includes 2 no. new Line Cable Interface Masts (LCIM 77 and 78) to loop in a new solar farm to the Gorman – Platin OHL.

### ***Surrounding Sites***

Reg. Ref. 22/1718: Permission was granted in 2022 for the upgrade of the existing Drybridge to Platin 110 kV Overhead line (OHL), c.5.6 km in length and comprising 33no. structures and 2no. gantries between the existing Drybridge 110 kV substation in the townland of Tullyallen, Co. Louth and the existing Platin 110kV substation.

## **5.0 Policy Context**

### **5.1. Meath County Development Plan 2021 - 2027**

The vast majority of the route is located within the 'Rural Area' RA with the associated land use objective *to protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage*

A small portion of the route, c. 1.5km in length is located on zoned lands within the town of Duleek. In this regard the OHL crosses lands zoned: -

- H1 - High Amenity with the associated land use objective *to protect and improve areas of high amenity.*
- A1 - Existing Residential with the associated land use objective *to protect and enhance the amenity and character of existing residential communities*
- G1 - Community Infrastructure with the associated land use objective *to provide for necessary community, social and educational facilities.*
- E2 – General Enterprise and Employment with the associated land use objective *to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment.*

The following policies are considered relevant.

*INF POL 46* To support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County and to facilitate new transmission infrastructure projects that may be brought forward during the lifetime of the plan including the delivery and integration, including linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.

*INF POL 48* To ensure that energy transmission infrastructure follows best practice with regard to siting, design and least environmental impact in the interest of landscape protection.

*INF POL 52* To seek to generally avoid the location of overhead lines in Natura 2000 sites unless it can be proven that they will not affect the integrity of the site in view of its conservation objectives i.e. by carrying out an appropriate assessment in accordance with Article 6(3) of the E.U. Habitats Directive.

*INF OBJ 50* To seek the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.



## 5.2. **Regional Spatial and Economic Strategy for the Eastern and Midlands Regional Assembly 2019-2031**

The RSES recognises the need to facilitate the provision of sufficient electricity to meet increasing demand.

*RPO 8.25: Local authorities shall (inter alia):*

- *Support the national objective to promote Ireland as a sustainable international destination for ICT infrastructure such as data centres and associated economic activities at appropriate locations.*

*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.*

Section 10.3 notes that the Eastern Region is a major load centre on the electricity transmission system. Developing the grid will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply.

## 5.3. **National Planning Framework**

The NPF establishes the fundamental national objective of achieving a transition to a competitive, low carbon, climate resilient and environmentally sustainable economy

by 2050. This will be achieved by harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar.

Of particular relevance is National Strategic Outcome NSO8 which seeks a Transition to a low carbon and climate resilient economy. It is stated that *“the National Climate Policy Position establishes the national objective of achieving transition to a competitive, low carbon, climate-resilient and environmentally sustainable economy by 2050. This objective will shape investment choices over the coming decades in line with the National Mitigation Plan and the National Adaptation Framework. New energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand”*

National Policy Objective 55 seeks to *“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.”*

#### **5.4. National Development Plan 2021-2030**

The NDP sets out Governments investment strategy and budget up to 2030. Chapter 13 ‘Transition to Climate-Neutral and Climate-Resilient Society’ identifies renewable energy as a strategic investment priority. Page 123 also includes the following within Strategic Investment Priorities: SOE Investment: *“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”.*

#### **5.5. The Climate Action and Low Carbon Development (Amendment) Act 2021**

The Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021), commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. Under section 17 ‘Amendment of section 15 of the Principal Act’ the Board as a relevant body shall, in so far as practicable, perform its functions in a manner that is consistent with the

most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

#### **5.6. Climate Action Plan 2023**

The Climate Action Plan (CAP) follows a number of predecessors which arose following the declaration of a climate and biodiversity emergency by the Irish Government. The Plan seeks to identify how Ireland will achieve its 2030 targets for carbon emissions by sector and through a series of actions. The overarching requirement in the Climate Action Plan as they relate to electricity require transformational policies, measures and actions, and societal change to increase the deployment of renewable energy generation, strengthen the grid, and meet the demand for flexibility in response to the challenge.

The Plan seeks to reduce the State's greenhouse gas emissions by 51% by 2030. One of the most important measures increasing the proportion of renewable electricity to up to 80% by 2030, including a target of 9 GW from onshore wind, 8 GW from solar and at least 5 Gigawatts of offshore wind energy by 2030.

#### **5.7. Government Policy Statement on Security of Electricity Supply, 2021**

This policy statement notes that electricity is vital for the proper functioning of society and the economy. The statement lists challenges to ensuring security of electricity supply, including:

- 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.

Page 5 of the policy statement notes 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”.*

## **5.8. Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure**

This statement notes the strategic importance of investment in networks and energy infrastructure, with such development expected to take account of all relevant standards.

## **5.9. Natural Heritage Designations**

- 5.9.1. The OHL oversails the River Boyne and River Blackwater SAC (002299) and the River Boyne and River Blackwater SPA (004232). There are no structures within the SAC or SPA. Angle Mast (AM) 18 is located c. 45m from the SAC and SPA boundary.
- 5.9.2. The OHL crosses 2 no. proposed Natural Heritage Areas (pNHA), in this regard Duleek Commons pNHA (001578) and Boyne Woods pNHA (001592). There are 4 no. structures within Duleek Commons pNHA. There are no structures within Boyne Woods pNHA.

## **5.10. EIA Screening**

- 5.10.1. A Screening for EIA report was submitted with the application. The report concludes that the proposed development does not fall under projects listed in Schedule 5 Part 1 or 2 of the Planning and Development Regulations, 2001 (as amended) and, therefore, does not require an EIAR.
- 5.10.2. Part 1 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is mandatory for infrastructure projects that involve:
- 20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
- 5.10.3. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended

provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- 3. Energy Industry (b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.
- 10 (dd) All private roads which would exceed 2000 metres in length
- 13. Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would: -
  - (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
  - (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold,whichever is the greater.
- 15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

5.10.4. The proposed development comprises upgrade works on the existing Gorman – Platin 110kV OHL. The appeal site consists of a linear route, c.19.76 km in length between the existing Gorman substation and the existing Platin substation. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. Having regard to the nature and scale of the development and the voltage (110kV) and by reference to any of the classes outlined above, a mandatory or sub-threshold EIA is not required.

5.10.5. Having regard to the information submitted by the applicant, the opinion of the planning authority, having carried out a site visit on the 8<sup>th</sup> September 2024 and to the nature

and scale of the proposed development, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. 2 no. third party appeals were received from Celene Sheehy and Carroll Brothers Investment Limited.
- 6.1.2. The appeal from Celene Sheehy includes a copy of a high court judgement from ESB and v Good (2023) IEHC 83 relating to the “Arva to Shankill No. 2 110kV line”. The main planning grounds raised in the appeal from are summarised below:

#### ***Legal Issues***

- The appellant’s home is located on land that the proposed development passes through. No consent has been given to make this application and there has been no consultation between the applicant and landowners.
- There is no statutory provision under the Electricity Supply Act or any other legislation that allows for the use and creation of access routes.
- The blue line boundary shown on submitted drawings is incorrect as it includes private property. The drawings submitted do not show a wayleave or any other right of way for the route. Regulation 22(1)(b)(iii) requires that any wayleaves be shown in yellow. This has not been complied with and the application is invalid

#### ***Noise***

- The existing overhead powerline passes over the appellants family home and garden. The noise is excessive. It is unclear what the increased noise will be from the new line.

### ***Compensation***

- Concerns that the location of the overhead power line effectively sterilise the land and that compensation has not been provided.

### ***Environmental Considerations***

- The proposed development requires an EIA because of its connection to and facilitation of development (approved under Reg. Ref. 21/663) which required a mandatory EIA.
- The NIS is deficient and incomplete.

6.1.3. The main planning grounds raised in the appeal from Carroll Brothers Limited are summarised below.

### ***Principle of Development***

- The route of the overhead power line through the town of Duleek takes no account of the zoning changes since the construction of the original line. At the time of construction, the land was unzoned / agricultural land. It is now zoned E2 General Enterprise and Employment and G1 Community Infrastructure. To grant permission for a new powerline along the old route without facilitating modern urban planning and zonings would be a contravention of the development plan.
- The Duleek Business Park future expansion lands and lands zoned for community use are traversed by the existing electricity powerline. A relatively minor adjustment to the design of the powerline zoned lands could be utilised more efficiently to meet the objective of proper planning and sustainable development.
- To ensure the most efficient use of zoned land the overhead power line will have to be adjusted at some point in the future, at additional cost and environmental impact. provision should be made now for the future development of Duleek. The developer should be requested to provide an alternative route between IMP 92 and 96, to avoid the lands zoned for development.

- The development would be contrary to the strategic vision for Duleek as it would result in a diminishment of the usable area of zoned lands for the business park and local community infrastructure.
- The development would be contrary to Policy DUL POL 1 and Objective DUL OBJ 3.

### ***Flood Risk***

- Part of the works are located on lands that are liable to flooding. This issue has not been addressed by the applicant.

### ***Visual Impact***

- No photomontages have been submitted. It is not possible to assess the visual impact, particularly in areas where alternative routes can and should be considered.

### ***Environmental Considerations***

- An Environmental Impact Assessment should be conducted. The proposed development forms part of the Amazon Data Centre in Drogheda as well as being a major overhead powerline. It is a significant piece of urban development with significant impacts both during construction and operation.
- An alternative route, which avoids the Duleek Business Park would have less of an environmental impact as it would require fewer temporary roads.
- No evidence that the proposed development would not place waterbodies within the River Nanny sub catchment at further risk of not meeting the Water Framework Directive.

### ***Appropriate Assessment***

- The overhead line crosses over the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA and Annex I habitat in Duleek Commons proposed as a Natural Heritage Area.
- The NIS does not consider all bird migration routes and does not include any bird counts.



- The 10km x 10km square grid datasets used are too large and vague to be of any relevance. This scientific information does not meet the required standards of AA.
- Ecological surveys do not include nesting / breeding bird surveys of all habitats (hedgerows, scrub etc) within the project site. This is not specific enough.
- There was no proper consideration of bats under the Habitats Directive.
- The conservation objectives for the River Boyne and Blackwater SAC, the River Nanny Estuary and Shore SPA and the Boyne Coast and Estuary SAC, published by the NPWS, are generic in nature and do not appear to be based on recent studies. More specific conservation measures should be requested from the NPWS.
- Reliance on pre-construction otter surveys is insufficient. AA cannot be completed to the relevant standards without proper otter surveys. The applicant's assessment takes no account of tributaries or field drains within the Boyne catchment.
- Kingfisher is a qualifying interest of the River Boyne and River Blackwater SPA. As no bird surveys were done, it is impossible to know what impacts the development will have on this species.
- Collision risk was not considered when assessing impacts on bird species.
- The impact of electromagnetic fields on birds and bats was not considered.
- Given the scale of the project the Board should engage with the NPWS and an ecologist.
- The proposed development would be contrary to Objective DUL OBJ 11 and Objective INF OBJ 45.

## 6.2. Applicant Response

The applicant's response provided the policy context for the proposed development and summarised the report of the planning authority. The main points raised in response to the third-party appeals are summarised below:

### *Principle of Development*

- The proposed development is supported by national, regional and local policy, particularly the NPF, the Climate Action Plan, RSES and Policy INF POL 46 of the development plan, all of which supports the strengthening of existing electricity infrastructure. The proposed development is consistent with Policy Objectives INF POL 46, INF POL 47, INF POL 48, INF POL 52 and INF POL 54 of the development plan.
- The development is required to be uprated to allow for future power needs, security of supply, connection of renewables and demand generation, and to ensure compliance with the Transmission System Security Planning Standards (TSSPS).
- Utilities are permissible uses in the E2 and G2 land use zoning objectives.
- The future growth of Duleek Business Park will benefit from the proposed development, as it will ensure that there will be sufficient electricity to facilitate future power needs.
- The proposed development will support the sustainable growth of Duleek and is consistent with Policy Objective DUL POL1 and DUL OBJ3.
- It is entirely appropriate and in the interest of proper planning and sustainable and orderly development to uprate the existing, established overhead powerline.
- The proposed development does not materially contravene the zoning objectives or any policy or objective in the development plan. The development was also considered acceptable to Meath County Council.

### *Legal Issues*

- The areas outlined in blue delineate the scope of the land covered by the statutory wayleave held by ESB. Section 53 of the Electricity (Supply) Act 1927 as amended does not transfer the ownership of these lands, rather ESB may at any time enter on to the lands in accordance with Section 53(9) for the purposes of carrying out the proposed development.

- ESB as the transmission system owner is obliged, pursuant to Regulation 19(a) of SI 445/2000 *to maintain the transmission system and carry out construction work in accordance with the transmission system operator's development plan*. The submitted maps are correct in identifying, in blue, any land which adjoins, abuts or is adjacent to the land to be developed and which is under the control of the applicant or the person who owns the land which is the subject of the application in blue, as set out in the Planning and Development Regulations.
- There are various landowners along the route, however, ESB has statutory powers to undertake the proposed development, arising from the Electricity Supply Act, 1927 (as amended). ESB are the legal owners of the Gorman-Platin 110kV OHL and have provided EirGrid with their consent to the making of the application in accordance with Article 22(g)(i) of the Planning and Development Regulations 2001, as amended, as the owners of the structure concerned. Accordingly, the requirement to obtain consent has been complied with.
- Section 53(9) of the Electricity (Supply) Act 1927 as amended gives the ESB the right of access and entry to inspect and for the purposes of *placing, repairing or altering, a line or fixture*.
- Details of public consultation carried out are provided in Section 2.1.5 of the report. Public notices were also published in local newspapers.

#### Noise

- The voltage of the existing line will not change. The works include the replacement (restringing) of existing OHL circuit conductor wires with new higher capacity conductor. Increasing the diameter of the conductor will likely reduce the noise, known as corona noise.

#### Compensation

- in the event that planning permission is granted the development would be constructed by the ESB subject to the entitlement of the owner or occupier of the land to be paid compensation, such compensation to be assessed in default of agreement under the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

### *Environmental Considerations*

- There is no requirement under the EIA Directive for the proposed development to be subject to EIA. The planning authority raised no concerns in this regard.
- The proposed development is being carried out to allow for future power needs, security of supply, connection of renewables and demand generation. It is separate to the application approved under Reg. Ref. 21/663 for the Amazon Data Centre in Drogheda.
- The development does not comprise a new powerline.
- The environmental data provided in the surveys and reports submitted with the application is the most up to date information available.
- Chapter 9 of the applicants Planning and Environmental Considerations Report considers the potential impact of the proposed works on the water environment including objectives of the Water Framework Directive. The proposed development, subject to mitigation measures, will not have a significant adverse effect on hydrology or hydrogeology within the receiving environment. the proposed project will not cause a deterioration of the status of any surface or groundwater body under the WFD and will not undermine the attainment of good status.

### *Appropriate Assessment*

- The NIS comprehensively considered potential impacts on the River Boyne and River Blackwater SAC and all other relevant European sites. The proposed development shall not adversely affect the integrity of the River Boyne and River Blackwater SAC.
- The development does not lie between SPA's. The statement that that there will not be regular or repeated passage of SCI wintering birds is considered accurate with or without targeted bird surveys.
- The Kingfisher which is a SCI the River Boyne and River Blackwater SPA is not a wintering waterbird or migratory.

- Consideration of all the migration routes for birds at the beginning and end of each season would have no relevance to the SCI species within the zone of influence of the project, namely the Kingfisher.
- Site specific surveys were done along watercourses and adjoining lands within the project site for the Kingfisher and Kingfisher habitat. No evidence was found. However, the NIS assumed the presence of Kingfisher at the Boyne crossing.
- Nesting / breeding non-SCI bird surveys would have no relevance for AA.
- The consideration of bats would have no relevance for AA.
- The AA is made in view of the conservation objectives and relies on scientific information.
- The NIS considers all potential impacts on otters and otter habitats. Site specific surveys were undertaken for otters, pre-construction confirmatory surveys are a prescribed and robust mitigation measure. It is recognised that otters may travel long distances, however, surveying for otters at greater distances than 150m from the site would serve no purpose.
- All surface water features were surveyed for otters with no evidence found.
- Potential collision risk and potential interaction is assessed in the NIS. There is no requirement for the NIS to consider non-SCI species.
- The biodiversity chapter in the Planning and Environmental Considerations Report contains a comprehensive ecological assessment to ensure that the conservation value of the Duleek Commons pNHA is maintained. There is no material contravention of DUL OBJ 11.
- The development would not materially affect the integrity of any European site and therefore does not materially contravene INF OBJ 45.

#### *Flood Risk*

- The flood risk screening outlined in the Planning and Environmental Considerations Report identified 2 no. areas crossed by the OHL which experience a high or medium probability of fluvial flooding, namely adjacent to

the River Boyne and between structures IMP88 to IMP 92, to the north of Duleek. No significant risk of flooding between these structures was identified.

- No risk of flooding from the River Boyne was identified.

#### *Visual Impact*

- There will be no significant changes to the landscape and visual environment. Chapter 12 of the Planning and Environmental Considerations Report identifies the potential impacts.

### **6.3. Planning Authority Response**

The planning authority note the content of the third party appeals and considers that all matters raised were previously addressed in the planner's report. It is requested that An Bord Pleanála uphold the decision of the planning authority to grant permission subject to any revisions it deems necessary.

### **6.4. Observations**

None

### **6.5. Further Responses**

On the 19<sup>th</sup> October 2023 the applicant submitted a CD with the red line boundary outlined in shapefile format, as requested by An Bord Pleanála on the 17<sup>th</sup> October 2023.

## **7.0 Assessment**

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, the report of the local authority and inspected the site, and having regard to relevant local / regional / national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of Development
- Visual Impact

- Flood Risk
- Noise
- Ecology
- Environmental Considerations
- Other Issues

## 7.2. ***Principle of development***

- 7.2.1. The proposed development comprises the thermal uprating of all the components of the c. 19.76km circuit between Gorman 110kV substation and Platin 110kV substation. A Transmission Line Assessment Report was carried out by the applicant in 2022. This report indicated that the rating of the circuit is not adequate for future needs in the area and that the proposed development is required to allow for future power needs, security of supply, connection of renewables and demand generation, and to ensure compliance with the Transmission System Security Planning Standards (TSSPS). The applicant also notes that the ESB as the transmission system owner is obliged, under Regulation 19(a) of SI 445/2000 *to maintain the transmission system and carry out construction work in accordance with the transmission system operator's development plan.*
- 7.2.2. In my opinion the provision of renewable energy development and associated electricity infrastructure, to support transmission and distribution of this energy via national grid, is support by local, regional and national planning policy. In this regard development plan policy INF POL 46 *aims to support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County and to facilitate new transmission infrastructure projects that may be brought forward during the lifetime of the plan including the delivery and integration, including linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner and Objective INF OBJ 50 to seek the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.*

- 7.2.3. National Strategic Outcome NSO8 of the National Planning Framework seeks a transition to a low carbon and climate resilient economy and NPO55 seeks to “*Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050.*”
- 7.2.4. The RSES also recognises the need to facilitate the provision of sufficient electricity to meet increasing demand. This is supported by Objectives RPO 8.25, RPO 10.20 and RPO 10.22. Section 10.3 notes that *the Eastern Region is a major load centre on the electricity transmission system. Developing the grid will enable the transmission system to safely accommodate more diverse power flows from renewable generation and also to facilitate future growth in electricity demand. This is particularly important if the Region is to attract high technology industries that depend on a reliable, high quality, electricity supply.*
- 7.2.5. The appeal from Carroll Brothers Limited raised concerns that the route of the overhead power line through the town of Duleek takes no account of the zoning changes since the construction of the original line. The land was previously unzoned / agricultural land and now it is zoned E2 General Enterprise and Employment and G1 Community Infrastructure. It is considered that to grant permission for a new powerline along the old route without facilitating modern urban planning and zonings would be a contravention of the development plan.
- 7.2.6. The vast majority of the route is unzoned. A small portion of the route, c. 1.5km in length is located on zoned lands within the town of Duleek. The existing route crosses over 4 no. different zoning objectives. In this regard lands zoned: -
- H1 - High Amenity with the associated land use objective *to protect and improve areas of high amenity.*
  - A1 - Existing Residential with the associated land use objective *to protect and enhance the amenity and character of existing residential communities*
  - G1 - Community Infrastructure with the associated land use objective *to provide for necessary community, social and educational facilities.*



- E2 – General Enterprise and Employment with the associated land use objective *to provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment.*

Utilities are a permitted use on lands zoned A1 - Existing Residential, E2 General Enterprise and Employment and G1 Community Infrastructure. Utilised are not listed as a use for lands zoned H1 High Amenity. However, the sensitive re-use of existing structures is open for consideration. As the proposed development comprises the uprate of an existing overhead power line it is my opinion that the proposed development is open for consideration. Therefore, I am satisfied that the proposed development would not be a material contravention of the 4 no. land use zoning objectives and as it would support and facilitate the development of enhanced electricity supply to serve existing and future need it is an appropriate use. It is also noted that the planning authority raised no concerns regarding a material contravention of the land use zoning objectives.

- 7.2.7. I also agree with the applicant that the future growth of Duleek Business Park will benefit from the proposed development, as it will ensure that there will be sufficient electricity to facilitate future power needs.
- 7.2.8. Specific concerns were also raised by the third party that the development would be contrary to the strategic vision for Duleek as it would result in a diminishment of the usable area of zoned lands for the business park and local community infrastructure. The strategic vision for Duleek is set out in Volume 2 of the development plan. It aims to promote the sustainable growth of Duleek, consolidating and enhancing its rich, historic town centre and promoting its role as a self-sustaining town and local service centre and this is supported by Policy DUL POL 1. In my view the proposed development will support the sustainable growth of Duleek and is therefore consistent with the strategic vision and DUL POL 1.
- 7.2.9. The third party also considered that an alternative route should be provided between IMP 92 and 96, to avoid the lands zoned for development and to allow lands to be utilised more efficiently. Having regard to the sites zoning objective, which permits

utilities and the location of the existing overhead power line oversailing the Business Park, I am satisfied that there is no requirement to consider an alternative route and that the proposed development would not impede the future development or expansion of the Duleek Business Park.

- 7.2.10. Overall, I am satisfied that the proposed development is in accordance with the zoning objectives that it crosses over and with the strategic aims of national, regional and local policy and should be assessed on its merits.

### 7.3. ***Visual Impact***

- 7.4. The appeal from Carroll Brothers Limited raised concerns that as photomontages were not submitted with the application that it is not possible to assess the visual impact, particularly in areas where alternative routes should be considered. As the OHL has been in place since 2005 and was clearly visible during my site visit on the 8<sup>th</sup> September 2024 and as any polesets to be replaced would be replaced with similar structures, I am satisfied that there is no requirement to submit photomontages.
- 7.5. Appendix 5 of the development plan sets out the Landscape Character Assessment for the county. The route of the proposed development passes through 2 no. character types, in this regard Lowland Landscapes and River Corridors and Estuary's. The Lowland Landscapes has a high value with moderate sensitivity and the River Corridors and Estuary's has an exceptional value with a high sensitivity. There are no protected views or prospects within the immediate area of the proposed OHL route.
- 7.6. Chapter 5 of the applicants Planning and Environmental Considerations Report addressed Landscape and Visual Impacts from the proposed development. The report notes that during the construction phase the site and its immediate environs would be disturbed by construction activities, which would include stockpiles of rubble, access tracks, compounds and construction traffic, with indirect effects on the setting of the existing area. Section 12.4 of the applicants report notes that a Construction Environmental Management Plan would be implemented to reduce the construction related impacts of the proposed development. Given the short term and temporary nature of the works I am satisfied that they would not have a significant adverse impact on the surrounding landscape.

7.7. During the operational phase the OHL would be highly visible from the surrounding area. It is acknowledged that the route passes through 2 no. landscape character types, that have a high to exceptional value, with moderate to high sensitivity. However, as there is an existing OHL along the route since 2005, I am satisfied that any visual impact would be acceptable.

7.7.1. Overall, I am satisfied that the visual impact from the proposed works would not have a significant adverse impact on the surrounding landscape.

#### 7.8. **Flood Risk**

7.8.1. The appeal from Carroll Brothers Limited raised concerns that part of the proposed works is located on lands that are liable to flooding. Section 9.2.1.2 of the applicants Planning and Environmental Considerations Report addressed Flood Risk. It notes that the OHL crosses 2 no. areas that experience a high and medium probability of fluvial flooding. These are identified as the River Boyne (AM18 and IMP 19) and a potential flood area near IMP88 to IMP92.

7.8.2. The report of the planning authority's Area Engineer raised no objection to the proposed development from a flood risk perspective, and notes that the majority of the appeal site is located in Flood Zone C, with localised areas that are in close proximity to watercourses that are situated in Flood Zone A and B.

7.8.3. Having regard to the Flood Risk Maps contained within the development plan it is my view that the appeal site crosses over 10 no. areas that located within Flood Zone A or B. These are outlined below:

- Area adjacent to IMP 2 and AM 3
- Area between AM 18 and IMP 19 (Boyne River)
- Area adjacent to IMP 24. This is adjacent to the appellant, Celene Sheehys property.
- Area adjacent to IMP 45
- Area adjacent to IMP 55
- Area between IMP 59 and IMP 60

- Area adjacent to IMP 80
- Area between IMP 84 and IMP 89
- Area adjacent to IMP 91 and
- Area between IMP 103 and IMP 104

7.8.4. There are 5 no. IMP's to be replaced both within and in close proximity to an area at risk of flooding. These are IMP's 19, 45, 60, 85 and 88. Having regard to the nature of the works which will replace existing poles with similar structures I agree with the applicant's assessment that there would be no significant change in water displacement and no significant effects on the local flood regime. Section 9.2.1.2 of the applicants Planning and Environmental Considerations Report also states that as a precautionary measure no works would be scheduled during wet periods and that no vehicles, equipment or supplies would be stored in any area susceptible to flooding. This is considered a reasonable approach.

7.8.5. Overall, I am satisfied that the proposed development would not result in a potential flood risk within the site or to any adjoining sites and that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that no concerns were raised by the planning authority regarding flood risk.

## 7.9. **Noise**

7.9.1. The appeal from Celene Sheehy notes that the existing overhead powerline passes over her family home and garden and that the noise generated by the OHL is excessive. There are concerns that the proposed development would result in an increase in noise.

7.9.2. In the response to the appeal the applicant notes that the voltage of the existing line will not change. The works include the replacement (restringing) of existing OHL circuit conductor wires with new higher capacity conductor. Increasing the diameter of the conductor will likely reduce the noise which is known as corona noise.

7.9.3. It is noted that the existing OHL passes over the appellants garage in close proximity to her house, on the Boyne Road and in the general vicinity of IMP 24. However,

having regard to the nature of the works, which would not result in an increase in voltage, I am satisfied that the proposed development would not increase any existing corona noise generated by the existing OHL.

## 7.10. **Ecology**

- 7.10.1. The appeal from Carroll Brothers Limited raised concerns regarding the impact of the proposed development on biodiversity, with particular regard to habitats within Duleek Commons pNHA, birds, bats and otters.

### *Habitat*

- 7.10.2. The third party raised concerns regarding the impact of the proposed development on Duleek Commons pNHA. In the interest of clarity pNHA are not Natura 2000 sites. Any potential impacts on any Natura 2000 sites (SAC's and SPA's) is addressed below in Section 8 Appropriate Assessment.
- 7.10.3. The OHL crosses 2 no. proposed Natural Heritage Areas (pNHA), in this regard Duleek Commons pNHA (001578) and Boyne Woods pNHA (001592). pNHA are non-statutory and are considered significant for wildlife and habitats. There are 4 no. structures (IMP 88, IMP89, IMP 90 and IMP 91) within Duleek Commons pNHA, 2 no. (IMP 88 and IMP 90) would be replaced as part of the project. There are no structures within Boyne Woods pNHA.
- 7.10.4. Section 5.6 of Volume 2 (Duleek) of the development plan states that any planning application that proposes *development within or adjacent to the area of Duleek Commons pNHA will be required to be accompanied by an ecological impact assessment, assessing the impact of the proposal on the area with the conservation designation*. Chapter 13 of the applicants Planning and Environmental Considerations report notes biodiversity assesses the impact of the proposed development on pNHAs.
- 7.10.5. Duleek Commons pNHA contains Alkaline Fen which is an Annex 1 habitat. Section 13.3.5 of the applicants report notes that the surveys carried out indicate that there are no structures or access routes within areas of Annex 1 Alkaline fen. The habitats found at structures were wetland grassland and gorse scrub with rich fen flush found in the areas between the structures. Therefore, I am satisfied that the proposed

development is accordance with the provisions of DUL OBJ 10 to maintain the conservation value of Duleek Commons pHNA.

7.10.6. It is acknowledged that the OHL overasils Boyne Woods pNHA. However, as the project does not propose any works within or adjacent to Boyne Woods pNHA I am satisfied that that the proposed development would not negatively impact on the conservation value of the pNHA.

7.10.7. The vast majority of the existing structures are located within monoculture field systems of arable crops and improved grassland. There are also numerous locations where the OHL oversails treelines and hedgerows. The applicants report notes that taller trees are subject to clearance and / or cropping to prevent conflict with the existing OHL as part of the regular maintenance programme. There are no structures within mature treelines. The proposed access routes do not require the removal of any vegetation, trees or hedgerows. The 2 no. proposed site compounds are located on brownfield sites and lack any sensitive ecological or environmental features. There were no rare or protected species recorded on the site. Therefore, I am satisfied that the proposed development would have a negligible impact on existing habitats.

#### *Birds*

7.10.8. The third raised concerns regard the potential negative impact on birds and the considered that specific bird count data and nesting / breeding surveys should be carried out.

7.10.9. The proposed project is c. 19.76km in length and generally located within the rural landscape. Therefore, bird species are widespread throughout the project site. It is acknowledged that birds likely utilise the appeal site for nesting, foraging, and roosting. However, given the relatively small works area, c. 10m radius around a IMP and 30m radius around an AM and the limited duration of works at each structure, c. 2 days for IMP and 2 weeks for AM works and as the proposed development does not involve the removal of any vegetation, trees or hedgerows, I am satisfied that the proposed development would have a negligible impact on bird species.

7.10.10. Kingfisher is a qualifying interest of the River Boyne and River Blackwater SPA. The nearest structure to the River Boyne is AM 18, which is c. 90m from the river and 45m from the boundary of the SPA. The applicants report notes that site surveys carried

out in 2022 indicate that there is no evidence of kingfisher habitat within 50m of AM 18 or within 50m of any structure which is subject to works. It is also noted that no suitable habitat for Kingfisher was identified during the site survey. Kingfishers fly low over water. Therefore, they are not highly susceptible to collision with the OHL. The impact on the Kingfisher is further addressed below in Section 8 Appropriate Assessment. However, I am satisfied that the proposed development would not negatively impact on the kingfisher.

### *Bats*

- 7.10.11. The third party also raised concerns that that there was no proper consideration of bats under the Habitats Directive. While all bats are protected under the Wildlife Act 1976, only the lesser horseshoe bat is protected under the Habitats Directive. Section 13.3.18 of the applicants report notes that 7 no. species of bat are recorded on the relevant grid squares of the (NBDC) database. These are Daubenton's Bat, Lesser Noctule, Common Pipistrelle, Soprano pipistrelle, Nathusius's Pipistrelle, Brown long-eared Bat and Natterer's Bat. As noted above, the proposed development does not require the removal of any vegetation, tress or hedgerows. Having regard to the information submitted, which is evidence based, it is my view that the proposed development would not have a negative impact on bat species.

### *Mammals*

- 7.10.12. The third party also raised concerns regarding the impact of the proposed development on otters. Otter is a QI of River Boyne and River Blackwater SAC and any potential impact addressed below in Section 8 Appropriate Assessment.
- 7.10.13. Section 13.3.18 of the applicants report notes that otter, badger, red squirrel, red deer, pine marten, Irish Hare, Irish Stoat and West European Hedgehog were all recorded on the relevant grid squares of the (NBDC) database. No evidence of these species was noted during the 2022 site surveys. Having regard to the information submitted, which is evidence based, it is my view that the proposed development would not have a negative impact on any mammal species.

### *Conculsion*

7.10.14. While the concerns of the third party are noted having regard to the existing OHL and the present condition of the site, with no special concentrations of flora or fauna, I am satisfied that the proposed development of the site would not negatively impact on biodiversity within or adjacent to the site. I draw the Boards attention to the AA section of my report (Section 8) where the potential impact of the proposed development on designated European sites in the area is discussed in greater detail.

### **7.11. *Environmental Considerations***

#### *EIA Screening*

7.11.1. The proposed development comprises uprate works on the existing Gorman – Platin 110kV OHL. The appeal site consists of a linear route, c.19.76 km in length between the existing Gorman substation in the townland of Causetown, Co. Meath and the existing Platin 110kV substation in the townland of Platin, Co. Meath. Having regard to the nature and scale of the development and the voltage (110kV) and by reference to any of the classes outlined above in Section 5.10, a mandatory or sub-threshold EIA is not required.

7.11.2. The third party's both consider that an EIA should be carried out as the proposed development forms part of the Amazon Data Centre in Drogheda. In this regard permission was granted (ABP VA17.308628) for a 110kV gas insulated switchgear substation compound, associated dropdown transmission lines and all associated works at Drogheda IDA Business and Technology Park in 2020. This project was designed to support current power demand and future growth within the area inclusive but not limited to the power requirements of an existing data storage facility approved under LB/191735. The information submitted with the application also noted that it was intended to seek permission for further data centre storage buildings in the Drogheda IDA Business and Technology Park, which would also require a power supply, and which would be facilitated by the proposed development. Permission was granted (ABP. 310729-21, Reg. Ref. 21/663) for a data storage facility (Amazon) at Drogheda IDA Business and Technology Park in 2022. An EIAR was submitted with this application which considered that the proposed development would not give rise to a significant impact on the stability or overall capacity of the national grid.



- 7.11.3. The information submitted with proposed development states that the uprate project will allow for the connection of the new data centre at Drogheda IDA Business and Technology Park. In this regard the approved data centre will connect into the new 110kV Oldbridge sub-station, which in turn will be looped into the existing Drybridge – Platin 110kV circuit, which connects to the Gorman – Platin 110kV circuit. Systems analysis carried out by the applicant indicates that the existing Gorman – Platin 110kV circuit will not be adequate for future power needs, which includes the data centre.
- 7.11.4. The proposed uprated OHL will also connect into a new Garballagh 110kV station near Duleek via a new loop in / loop out circuit arrangement to facilitate a new solar farm at Gillinstown, which was approved under Reg. Ref. 22/262.
- 7.11.5. In response to the appeal the applicant notes that the proposed development is required to allow for future power needs, security of supply, connection of renewables and demand generation, and to ensure compliance with the Transmission System Security Planning Standards (TSSPS).
- 7.11.6. The existing circuit forms part of the national grid and while it is noted that the proposed uprate works may allow for the connection of the data centre approved under ABP. 310729-21, Reg. Ref. 21/663, having regard to the information submitted in response to the appeal and to the planning history outlined above I am satisfied that the proposed development is a standalone project and an EIA is not required. I am also satisfied that the proposed development does not comprise project splitting for the purpose of EIA.
- 7.11.7. Having regard to the information submitted by the applicant, the opinion of the planning authority, having carried out a site visit on the 8<sup>th</sup> September 2024 and to the nature and scale of the proposed development, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA is not required in this instance.

*Water Framework Directive*

- 7.11.8. Concerns were raised by Carroll Brothers Limited that the applicant has provided no evidence that the proposed development would not place waterbodies at further risk of not meeting the Water Framework Directive (WFD).

- 7.11.9. The purpose of the WFD is to protect and enhance all waters as well as water dependent wildlife and habitats, with the aim to achieve 'good' water quality status for all waters subject to the WFD and to mitigate against the risk of a decline in the water body quality status.
- 7.11.10. Chapter 9 of the applicants Planning and Environmental Considerations Report considers the potential impact of the proposed works on the water environment. It notes that the alignment of the OHL is largely within the Boyne catchment and the Nanny-Devlin catchment. Table 9-2 lists the 26 no. surface water features that are crossed by the OHL. The vast majority of water features are small order streams (order 1 and 2), with the River Boyne being an order 6. Table 9-2 also identifies the water quality status of the water feature within the Boyne catchment and the Nanny Devlin Catchment. It is noted that 10 no. water features are currently under review and do not have a status 12 no. are 'moderate' and 4 no. are 'good'.
- 7.11.11. Works would be carried out within 10m of a watercourse at structures AM 6 (upgrades), IMP 45 (replace), IMP 51 (replace) and IMP 60 (replace). Table 9-3 lists all works to be carried out within 100m of a watercourse. The proposed development includes mitigation measures, which are standard construction practices, to ensure the proposed works would not have a significant adverse effect on hydrology or hydrogeology within the receiving environment. Due to the nature and scale of the proposed works, I agree with the applicant that the proposed project would not result in a deterioration of the status of any surface or groundwater body under the WFD and would not undermine the attainment of good status. It is noted that the planning authority raised no concerns in this regard.

## **7.12. *Other Issues***

### *Consent*

- 7.12.1. Concerns were raised by Celene Sheehy that the proposed development passes through private property and that the applicant does not have consent to make this application. In response to the appeal the applicant acknowledges that there are a number of landowners along the route. However, under the Electricity Supply Act, 1927 (as amended) the ESB has statutory powers to undertake the proposed development. In particular, Section 53(9) of the Electricity (Supply) Act 1927 as

amended gives the ESB the right of access and entry to inspect and for the purposes of *placing, repairing or altering, a line or fixture*. As the legal owners of the Gorman-Platin 110kV OHL, the ESB provided EirGrid with their consent to the making of the application. Having regard to the information provided I am satisfied that there is no requirement to obtain consent from various landowners. It is noted that the application was also validated by the planning authority who raised no concerns in this regard.

#### *Blue Line Boundary / Wayleave*

7.12.2. The appeal by Celene Sheehy also considered that the application is invalid as the applicant's blue line boundary, as shown on submitted drawings, is incorrect as it includes private property and that the drawings submitted do not show a wayleave or any other right of way for the route.

7.12.3. In response to the appeal the applicant notes that the areas outlined in blue delineate the scope of the land covered by the statutory wayleave held by ESB. The response further states that Section 53 of the Electricity (Supply) Act 1927 (as amended) does not transfer the ownership of these lands to the ESB, however, the ESB may at any time enter on to the lands in accordance with Section 53(9) for the purposes of carrying out works. I am satisfied that the maps submitted are correct in identifying the land which is under the control of the applicant. It is noted that the application was also validated by the planning authority who raised no concerns in this regard.

#### *Consultation*

7.12.4. Concerns are also raised by Celene Sheehy that the applicant did not consult with her, as a landowner. In response to the appeal the applicant outlines consultation that was undertaken with the appellant and also notes that planning notices were published in local newspapers. Details of consultations with landowners along the route is also provided in Section 2.6 of the applicants NIS. Having regard to the information submitted by the applicant it would appear that public consultation was undertaken prior to lodging the application form. It is also noted that while meaningful consultation may be to the benefit of both parties there is no statutory requirement to undertake such engagement.

## *Compensation*

- 7.12.5. Concerns are raised by Celene Sheehy that the ESB imposed a restriction on the development of her land without any compensation. In response to the appeal the applicant notes that the powers of the ESB under Section the Electricity (Supply) Act 1927 (as amended) are subject to the entitlement of the owner or occupier of the land to be paid compensation in the exercise by ESB of these powers, such compensation will be assessed under the Acquisition of Land (Assessment of Compensation) Act, 1919. In my opinion the matter of compensation is not within the remit of this application.
- 7.12.6. It is also noted that the ESB Network Code of Practice for Avoiding Danger from Overhead Electricity Lines is publicly available and provides information regarding construction works near an OHL. In my view this is outside of the remit of this application.

## **8.0 AA Screening**

### *Stage 1 – Screening Determination*

#### *8.1. Description of the project*

- 8.1.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 as amended.
- 8.1.2. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the uprating of the existing Gorman to Platin 110 kV Overhead line (OHL), which is c.19.76 km in length and incorporates 109 no. supporting structures. The OHL is orientated in a south-east direction from Gorman 110kV substation towards Duleek and then in a north-eastern direction towards Platin 110kv substation. The surrounding area is generally in agricultural use. The topographic levels are undulating and vary along the route.

#### *8.2. Submissions*

Both third party appeals raised concerns that the applicants NIS is deficient and incomplete. Particular concerns were raised regarding: -

- The NIS does not consider all bird migration routes and does not include any bird counts.
- The 10km x 10km square grid datasets used are too large and vague to be of any relevance.
- Ecological surveys do not include nesting / breeding bird surveys of all habitats (hedgerows, scrub etc) within the project site. This is not specific enough.
- There was no proper consideration of bats under the Habitats Directive.
- More specific conservation objectives for the designated sites should be requested from the NPWS.
- Reliance on pre-construction otter surveys is insufficient.
- Collision risk was not considered when assessing impacts on bird species.
- The impact of electromagnetic fields on birds and bats was not considered.

### 8.3. *European Sites*

8.3.1. The following designated sites are considered to be within the zone of influence of the appeal site:

- River Boyne and River Blackwater SAC (0002299), the OHL oversails the SAC.
- River Boyne and River Blackwater SPA (0004232), the OHL oversails the SPA.
- Boyne Estuary SPA (0004080), c. 4.7km east of the appeal site.
- Boyne Coast and Estuary SAC (0001957) c. 6km east of the appeal site.
- River Nanny Estuary and Shore SPA (0004185), c. 7km east of the appeal site.
- Clogher Head SAC (0001459), c. 15km north-east of the appeal site.

### 8.4. *Potential effect mechanisms from the project*

8.4.1. The proposed development would not result in any direct effects such as habitat loss on any European Site.

8.4.2. The existing OHL oversails rivers, streams, drains and ditches at 26 no. locations, including the River Boyne. Details of these locations are outlined in Table 5-1 of the NIS. There are 34 no. structures within 100m of a watercourse, of these structures, 18 no. would be subject to works. Details of each of the 18 no. structures and their proximity to a watercourse and designated site are provided in Table 5-2 of the

applicants NIS. The watercourses are either tributaries of the River Boyne or the River Nanny and could potentially provide a hydrological link to a designated site. The closest structure where works would be carried out is at AM 18, which is c. 45m from the boundary of the River Boyne and River Blackwater SAC and SPA and c. 90m from the River Boyne. The information submitted indicates that there would be a 30m radius around the masts to facilitate the proposed works. As there is little distance for the process of dilution of any pollutants or settlement of sediment to occur it is my view that this is a direct pathway to both the River Boyne and River Blackwater SAC and SPA. As the River Boyne and River Blackwater SAC is designated for freshwater species including River lamprey and Salmon, that require high water quality, these sensitive receptors are at possible risk via the pathways identified, particularly during the construction phase.

8.4.3. Based on the information provided in the screening report, site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- Release of silt and sediment during the construction phase.
- Release of construction related compounds including hydrocarbons to surface water.

8.4.4. Having regard to the above, it is my opinion that further assessment is required for the River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232).

8.4.5. Due to the separation distance, the nature of the qualifying interests of Clogher Head SAC and the lack of hydrological connection I agree with the applicant that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on Clogher Head SAC (0001459). Therefore, I am satisfied that it can be screened out from further assessment.

8.4.6. It is also my view that due to the separation distance, the nature of the qualifying interests, to the distant and interrupted hydrological connection and to the distance and volume of water (dilution factor) separating the appeal site from the Boyne Coast and Estuary SAC (004080) the Boyne Estuary SPA (004080) and the River Nanny

Estuary and Shore SPA (0004185), that they can also be screened out from further assessment.

#### 8.5. *Screening Determination*

- 8.5.1. 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 could have a significant effect on European Sites (River Boyne and River Blackwater SAC (0002299) and the River Boyne and River Blackwater SPA (0004232)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.
- 8.5.2. 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 European Sites (River Nanny Estuary and Shore SPA (0004185), Boyne Estuary SPA (004080), Boyne Coast and Estuary SAC (004080) and Clogher Head SAC (0001459)) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not, therefore, required.

#### 8.6. *Stage 2 – The Natura Impact Assessment*

- 8.6.1. Sections 7 and 8 of the applicants NIS examines and assesses the potential adverse effects of the proposed development on River Boyne and River Blackwater SAC (0002299), the River Boyne and River Blackwater SPA (0004232), River Nanny Estuary and Shore SPA (0004185), Boyne Estuary SPA (004080), Boyne Coast and Estuary SAC (004080). As noted above it is my opinion that River Nanny Estuary and Shore SPA (0004185), Boyne Estuary SPA (004080), Boyne Coast and Estuary SAC (004080) can be screened out from further assessment.
- 8.6.2. Concerns are raised by the third parties that NIS is deficient and incomplete. These concerns are noted. However, I am satisfied that it was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed.

8.6.3. Having reviewed the documents, submissions and consultations I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the designated sites alone, or in combination with other plans and projects.

8.7. *European Sites*

8.7.1. A description of the sites and their Conservation and Qualifying Interests (QI's) / Special Conservation Interests (SCI's), including any relevant attributes and targets for these sites, are set out in the Section 7 and 8 and of the NIS and are also available on the NPWS website ([www.npws.ie](http://www.npws.ie)).

8.7.2. The following tables provide an assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field as outlined in the NIS. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.



**Table 1: AA Summary Table for River Boyne and River Blackwater SAC (002299)**

<b>River Boyne and River Blackwater SAC (0002299)</b>  <b>Conservation Objectives: To maintain or restore the favourable conservation status of habitats and species of community (M/R)</b>  <b>Detailed Conservation Objectives available: <a href="https://www.npws.ie">https://www.npws.ie</a></b>			
<b>Qualifying Interests:</b>  Alkaline fens (M), Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (R), <i>Lampetra fluviatilis</i> (River Lamprey) (R), <i>Salmo salar</i> (Salmon) (R) and <i>Lutra lutra</i> (Otter) (M)			
		<b>Summary of Appropriate Assessment</b>	
<b>Special Conservation Interest (SCI)</b>	<b>Conservation Objectives Summary</b>	<b>Potential Adverse Effects</b>	<b>Mitigation Measures</b>
Alkaline fens (M),	Restore favourable conservation condition in relation to habitat area, distribution, ecosystem function, vegetation structure and composition and physical structure.	Alkaline fen habitats are remote from the appeal site (c. 35km). Water quality impacts are not envisioned due to the intervening distance and dilution factor. Therefore, the proposed development would not have an adverse effect on the integrity of this habitat.	No protective measures required.
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (R),	Restore favourable conservation condition in relation to habitat area, distribution, physical structure, vegetation structure and composition	Alluvial forest habitats appeal site are located c. 4km (20km downstream) from the appeal site. Water quality impacts are not envisioned due to the intervening distance and dilution factor. Therefore, the proposed development would not have an adverse effect on the integrity of this habitat.	No protective measures required.

Lampetra fluviatilis (River Lamprey) (R),	Restore favourable conservation condition in relation to distribution, extent and population	<p>Given the nature of the works there will be no direct disturbance or displacement of River Lamprey or Salmon.</p> <p>Potential indirect impacts include:</p> <p>Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off.</p>	See Section 9 of the NIS.
Salmo salar (Salmon) (R)	Restore favourable conservation condition in relation to distribution, population, number and distribution of reeds and water quality.		<p>Mitigation measures include: -</p> <p>Ecological Clerk of Works (ECOW) will be appointed. An Ecologist will be appointed to review the monitoring reports and findings of the ECOW.</p> <p>An Environmental Response Plan will be put in place.</p> <p>Construction Environmental Management Plan will be implemented.</p> <p>Silt fences are required between work areas and water features. Silt traps will be required when larger volumes of surface water run off from works areas need to be contained.</p> <p>Any groundwater temporarily dewatered will be treated and managed. No water discharge will be permitted to the River Boyne or any other watercourse.</p>

			<p>The time that excavations will be left uncovered will be reduced as far as reasonable.</p> <p>Best practice management to prevent any potential surface water or groundwater impacts via a release of hydrocarbon / chemical contaminants or of cementitious materials.</p> <p>Pre-construction invasive species survey</p>
Lutra lutra (Otter) (M)	Maintain the favourable conservation condition in relation to distribution, the extent of terrestrial and freshwater habitat, couching sites and holts, fish biomass and barrier to connectivity.	<p>Given the nature of the works there will be no direct disturbance or displacement of otters.</p> <p>Potential indirect impacts:</p> <p>Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off.</p> <p>Impact on aquatic prey</p>	As above plus a pre-construction otter survey
<p>Overall conclusion: Integrity Test</p> <p>Based on the information provided, I am satisfied that adverse effects can be excluded for this SAC site and that no effects of any significance would occur to SCI species utilising habitats within the development site. No uncertainty remains.</p> <p>Significant disturbance has been excluded.</p>			

Adverse effects from contamination can be effectively prevented by mitigation measures.

The proposed development would not delay or prevent the attainment of the Conservation objectives of any of this SAC.

**Table 2: AA Summary Table for River Boyne and River Blackwater SPA (0004232)**

River Boyne and River Blackwater SPA (0004232)			
<b>Conservation Objectives:</b> To maintain the favourable conservation condition of Kingfisher in River Boyne and River Blackwater SPA			
Detailed Conservation Objectives available: <a href="https://www.npws.ie">https://www.npws.ie</a>			
<b>Qualifying Interest:</b> Kingfisher ( <i>Alcedo atthis</i> )			
		Summary of Appropriate Assessment	
Special Conservation Interest (SCI)	Conservation Objectives Summary	Potential Adverse Effects	Mitigation Measures
Kingfisher ( <i>Alcedo atthis</i> )	Maintain the favourable conservation condition in relation to population, productivity, distribution, extent and quality of nesting, water quality, barriers to connectivity, disturbance to breeding sites.	<p>Kingfishers foraging and nesting habitats along the River Boyne are remote from the appeal site and as such there should be no direct impacts</p> <p>Potential indirect Impacts:</p> <p>Water Quality: Activities associated with construction phase may result in the release of silt / sediment laden water run-off.</p> <p>Impact on aquatic prey</p> <p>Physical Barriers</p>	<p>See Section 9 of the NIS.</p> <p>Mitigation measures include: -</p> <p>Appointment of an Ecological Clerk of Works (ECOW) and appointment of an Ecologist to review the monitoring reports and findings of the ECOW.</p> <p>An Environmental Response Plan will be put in place.</p>

			<p>Construction Environmental Management Plan will be implemented.</p> <p>Silt fences are required between work areas and water features. Silt traps will be required when larger volumes of surface water run off from works areas need to be contained.</p> <p>Any groundwater temporarily dewatered will be treated and managed. No water discharge will be permitted to the River Boyne or any other watercourse.</p> <p>The time that excavations will be left uncovered will be reduced as far as reasonable.</p> <p>Best practice management to prevent any potential surface water or groundwater impacts via a release of hydrocarbon / chemical contaminants or of cementitious materials.</p>
<p>Overall conclusion: Integrity Test</p> <p>With regard to the nature of the works I am satisfied that given the level of visual acuity of the kingfisher and their preference for flying low over water and their high capability for manoeuvring that they are not highly susceptible to collision with the OHL.</p>			

Based on the information provided, I am satisfied that adverse effects can be excluded for this SPA site and that no effects of any significance would occur to Kingfishers utilising habitats within the zone of influence of the proposed project. No uncertainty remains.

Significant disturbance has been excluded.

Adverse effects from contamination can be effectively prevented by mitigation measures.

The proposed development would not delay or prevent the attainment of the Conservation objectives of any of this SPA.

8.7.3. It is noted that the mitigation measures are standard practices for construction sites and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. However, in the event that the pollution control and surface water treatment measures were not implemented or failed it is my opinion that there is potential for likely significant effects on the qualifying interests of Natura 2000 sites from surface water run-off and therefore, these standard practices are considered to be mitigation measures in the context of Appropriate Assessment.

#### 8.8. ***In Combination Effects***

Cumulative Impacts are addressed in Section 10 of the applicants NIS. Table 10-1 identifies 9 no approved developments in the vicinity of the OHL. As the proposed project would not affect the integrity of any European site within the zone of influence, I am satisfied that there will be no adverse effects on the integrity of any European sites to arise as a consequence of the proposed project acting in-combination with any other plans or projects.

#### 8.9. ***Appropriate Assessment Conclusion***

- 8.9.1. The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act, 2000 (as amended).
- 8.9.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the River Boyne and River Blackwater SAC (0002299) and River Boyne and River Blackwater SPA (0004232). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 8.9.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the site's Conservation Objectives.

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

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the River Boyne and River Blackwater SAC (0002299) and River Boyne and River Blackwater SPA (0004232).
- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the designated sites.

8.9.5. It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.

## **9.0 Recommendation**

It is recommended that permission be granted subject to conditions.

## **10.0 Reasons and Considerations**

The proposed development would support and facilitate the development of enhanced electricity supply to serve existing and future need and is, therefore, in accordance with the provisions of policy INF POL 46 of the Meath County Development Plan 2021 – 2027, National Strategic Outcome NS08 of the National Planning Framework, Objectives RPO 8.25, RPO 10.20 and RPO 10.22 of the Regional Spatial and Economic Strategy. Having regard to the nature and scale of the proposed development it is considered that subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives within the settlement of Duleek, it would not have an unacceptable impact on the landscape or biodiversity it would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and it would be acceptable in terms



of flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 28<sup>th</sup> day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

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

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

**Reason:** To protect the integrity of European Site

3. Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

4. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management,

protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

5. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

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.

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Elaine Power

Senior Planning Inspector

16<sup>th</sup> September 2024

## Appendix 1 - Form 1

### EIA Pre-Screening

[EIAR not submitted]

<b>An Bord Pleanála Case Reference</b>	317568-23		
<b>Proposed Development Summary</b>	Upgrade of Gorman to Platin 110 kV overhead line (OHL) (19.76 km long and comprising 109 supporting structures) along with all associated site works.		
<b>Development Address</b>	Gorman substation to Platin Substation, in the townlands of Graigs, Ardmulchan, Dollardstown, Dunmoe, Carranstown, Platin, Haystown and Carnuff, Stackallan, Harmanstown, Causetown, Garballagh, Commons, Downestown, Gillinstown, Longford, Rathdrinagh, Painestown, Thurstianstown, Knockcommon, Drumman, Laughier, Newtown and Platin, Co. Meath.		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
Yes			EIA Mandatory EIAR required
<b>No</b>			Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
	<b>Threshold</b>	<b>Comment (if relevant)</b>	<b>Conclusion</b>
No	N/A		No EIAR or Preliminary Examination required

<p><b>Yes</b></p>	<p>Part 1 of Schedule 5:</p> <p>20. Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.</p> <p>Part 2 of Schedule 5:</p> <p>3. Energy Industry (b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.</p> <p>10 (dd)All private roads which would exceed 2000 metres in length</p> <p>13. Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-</p> <p>(i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and</p> <p>(ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold,</p> <p>whichever is the greater.</p> <p>15. Any project listed in this Part which does not exceed a quantity, area or other limit specified in this</p>	<p>The proposed scheme falls below the applicable thresholds.</p>	<p>Proceed to Q.4</p>
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		Part in respect of the relevant class of development, but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.		
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4. Has Schedule 7A information been submitted?		
<b>No</b>		<b>Preliminary Examination required</b>
<b>Yes</b>		<b>Screening Determination required</b>

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2: Form 2 EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP- 317568-23</b>	
<b>Proposed Development Summary</b>	Uprate of Gorman to Platin 110 kV overhead line (OHL) (19.76 km long and comprising 109 no. supporting structures) along with all associated site works.	
<b>Development Address</b>	Gorman substation to Platin Substation, in the townlands of Graigs, Ardmulchan, Dollardstown, Dunmoe, Carranstown, Platin, Haystown and Carnuff, Stackallan, Harmanstown, Causetown, Garballagh, Commons, Downestown, Gillinstown, Longford, Rathdrinagh, Painestown, Thurstianstown, Knockcommon, Drumman, Laughher, Newtown and Platin, Co. Meath.	
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>		
	<b>Examination</b>	<b>Yes/No/ Uncertain</b>
<p><b>Nature of the Development.</b> Is the nature of the proposed development exceptional in the context of the existing environment.</p>	<p>The development comprises the Uprate of the existing Gorman to Platin 110 kV overhead line (OHL). From an environmental perspective the nature of the proposed development is not regarded as being exceptional in the context of the existing environment</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Construction activities will require the use of potentially harmful materials, such as fuels and other such substances and give rise to waste for disposal. Such use will be typical of construction sites. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature and would not give rise to</p>	No

	significant waste, emissions or pollutants.	
<b>Size of the Development</b> Is the size of the proposed development exceptional in the context of the existing environment?  Are there significant cumulative considerations having regard to other existing and / or permitted projects?	From an environmental perspective the size of the proposed development is not regarded as being exceptional in the context of the existing environment.  No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects.	No  No
<b>Location of the Development</b> Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location, or protected species?  Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area, including any protected structure?	This site does not host any species of conservation interest.  The proposed development would not result in any direct effects such as habitat loss on any European Site.  The OHL oversails the River Boyne and River Blackwater SAC and SPA at 1 no. location between AM 18 – IMP 19. subject to the implantation of mitigation measures outlined in Section 9 of the NIS the proposed project would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.  Having regard to the location of the site and the nature and scale of the development there is no potential to significantly affect environmental sensitivities in the area, including protected structures.	No  No

Conclusion
There is no real likelihood of significant effects on the environment.  EIA is not required.

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)