An Bord Pleanála

Inspector's Report

ABP-317588-23

Development	110kV single-bay air insulated substation (Cuilleen), 110kV underground grid connection and all associated works.
Location	Monksland, Athlone, County Roscommon.
Planning Authority	Roscommon County Council.
Applicant(s)	Greener Ideas Ltd.
Type of Application	Application for approval under section 182A of the Planning and Development Act, 2000, as amended.
Prescribed Bodies	• Commission for Regulation of Utilities, Water and Energy. • Transport Infrastructure Ireland. • Department of Housing, Local Government and Heritage (Development Applications Unit).
Observers	None.
Date of Site Inspection	2nd November 2023
Inspector	Deirdre MacGabhann

Contents

1.0 Introduction

1.1. This report refers to an application for strategic infrastructure under section 182A of the Planning and Development Act, 2000, as amended. The application for permission is made on foot of pre-application discussions with the Board under ABP-313042-22 for a 110kV electrical sub-station and grid connection, at Monksland, Athlone, County Roscommon, where the Board decided that the development would fall within the scope of section 182A of the Act and would be strategic infrastructure.

2.0 Site Location and Description

2.1. The c.7.16ha development site lies to the west of Athlone Town in the townland of Monksland. It comprises the site of the proposed substation, the route of the underground grid connection to the existing Athlone 110kV substation, which lies approximately 1.5km to the north east of the proposed sub-station site, and the existing sub-station lands.

2.2. The proposed substation site lies to south west of Monksland Industrial Estate and immediately north east of the site of a Gas Fired Peaker Power Plant, that is currently under construction. The application area includes land to the west of the Peaker Power Plant site, to be used for a temporary construction compound. At the time of site inspection, the proposed substation site and construction compound were in use as part of the construction works for the power plant. Material was stored on part of the sub-station site and the proposed construction site was in use as a construction site for the Peaker Power Plant. At the time of site inspection, there was no evidence of a surface water body that crosses the substation site that is evident in OS mapping (see photographs and drawing no. 05850-DR-29, Existing Site Layout Plan, Sheet 6 of 7).

2.3. The construction site included two storey offices and car parking to the south of the site. The construction site and parking area are bound by silt fencing and Heras fencing and are separated from the Cross River, which flows along the southern boundary of the site, by a vegetated buffer zone.

2.4. To the north west of the sub-station site is an Irish Water wastewater treatment plant. Access to the substation site and construction compound is from the R362 via the internal access road that serves the industrial estate (L2047).

2.5. The grid connection route extends from the substation site in a northerly direction following the access road serving the power plant and the public road through the industrial estate (L2047) to its junction with the R362 regional road. At this point the grid connection route turns east along the regional road to the roundabout junction with the N6 (R362/N6) after which it runs to the north of the regional road, crossing under the N6/M6 and joining the R446 regional road. On either side of the M6 the application site includes land adjoining the regional road, comprising an area of hardcore and a construction compound.

2.6. To the east of the M6, the cable route follows the R466 to its junction with Old Tuam Road where the cable route turns west (along Old Tuam Road) for a short distance to connect to the existing Athlone 110kV substation. Athlone 110kV substation site is also situated in the Monklands area, close to the Roscommon and Westmeath county border. The substation site lies west of St. Coman's Park a residential estate and access to it is via an entrance off Old Tuam Road.

3.0 **Proposed Development**

3.1. Permission is sought for the construction of a single bay, air insulated 110kV electrical sub-station (to be known as Cuillean substation) and its connection to the existing Athlone 110kV substation. The development will facilitate the grid connection of a permitted Gas Fired Peaker Power Plant that adjoins the development site, to the existing Athlone 110kV substation. The development will enable the power plant to export electricity to the national grid when electricity demand is higher than average, helping to regulate energy provision to the grid to manage peak hour demand and the increasing use of renewable technologies.

3.2. The proposed Cuillean substation comprises:

- One no. control building (126sqm) and internal 15kV underground cable,
- One no. 15/110kV transformer (TRAFO) compound with concrete blast wall, and associated equipment,
- One no. diesel generator,

- A 2.6m palisade fence and 1.4m high post and rail fencing, 2 no. gated accesses to the substation, lamp posts, lightning masts, security cameras and poles, and
- Use of the access road to the Gas Fired Peaker Power Plant (under construction).

3.3. The sub-station will be connected to Athlone 110kV sub-station via approximately 1.95km, 110kV single circuit underground connection (UGC). The UGC will be laid principally by open trench construction technology. The standard trench is 825mm wide by 1,325m deep with variations to adapt to road bridge, service crossings etc. (see section 2.2.2, Environmental Report and Construction Environmental Management Plan). Approximately 0.5km of the UGC will be underneath public land to the north west and south east of the M6 motorway and the remainder under public roads. The c.90m of the UGC under the M6 motorway will require Horizontal Directional Drilling (HDD), with 2 no. temporary drilling pits, located immediately north west and southeast of the M6 motorway at the crossing point. The drilling pits will comprise a temporary work area with equipment and 2m high HERAS fencing. HDD works under the motorway will not require the removal of existing semi-mature trees on either side of the motorway. The UGC route will consist of a trench containing 3 no. 160mm diameter HDPE power cable ducts, 2 no. 125mm diameter HDPE communications ducts and a 63mm diameter Earth Continuity Duct, along with associated cable joint bays, link boxes and communication chambers. The development will be integrated with the Athlone sub-station via a new electrical equipment bay to be situated within the substation site.

3.4. The proposed development includes:

- A temporary construction compound (111sqm) to the west of the Gas Fired Peaker Power Plant, to comprise 6 no. containers for offices/meeting rooms/welfare facilities (1 no. is 7mx3m and 5 no. are 6mx3m).
- All associated site development, drainage and ancillary works. Notably the surface water drainage system for the substation will connect into the surface water drainage infrastructure at the adjacent Peaker Power Plant.

3.5. Construction is estimated to be c.18 months, with elements of the project constructed concurrently (the HDD element of the project is estimated to be c.4

months). Permission is sought for a period of 10 years due to additional consent regimes and the licensing of work, including the HDD works under the N6/M6.

3.6. The application to the Board includes plans and drawings and the following reports:

- Planning Statement.
- Screening Report for Environmental impact assessment.
- Screening Report for Appropriate Assessment.
- Environmental Report and Construction Environmental Management Plan.
- Traffic and Transport Assessment.
- Resource and Waste Management Plan.
- Landowner consent.
- Planning and Environmental Considerations Report (in respect of GIL Peaker Power Station).

4.0 Consultations

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

- Minister for Housing, Local Government and Heritage .
- Minister for the Environment, Climate and Communications.
- Commission for Regulation of Utilities, Water and Energy.
- Inland Fisheries Ireland (IFI).
- Transport Infrastructure Ireland (TII).
- The Heritage Council.
- An Taisce.
- An Chomhairle Ealaion (The Arts Council).
- Failte Ireland.
- Health and Safety Authority.

5.0 Submissions

5.1. Prescribed Bodies/Public Submissions

5.1.1. Submissions have been received from the following prescribed bodies:

- Commission of Regulation of Utilities, Water and Energy (1st August 2023) – Refers to national policy documents and the critical need to develop and construct new flexible gas fired generation plants in the State to ensure security of electricity supply for years to come.
- Transport Infrastructure Ireland (18th August 2023) – TII's observations address the safety, capacity and strategic function of the national road network in accordance with their statutory function and national and regional planning policy. TII acknowledge that the proposal is mainly facilitated via the local road network. Any crossing of the national road network requires the prior consultation with TII and compliance with all relevant TII standards. The submission sets out (a) general requirements in respect of any crossings of the national road network and for directional drilling, (b) issues to be addressed in the Construction Traffic Management Plan, where a national route forms part of a construction haul route, in relation to maintenance of the national road and road safety, and (c) conditions to be considered in the event that the Board grant permission for the development, in the interest of protecting the safety, capacity and efficiency of the national road network.
- Department of Housing, Local Government and Heritage (4th September 2023) – Recommends conditions in respect of archaeology (as per sample conditions C4 and C5 of OPR Practice Note PN03: Planning conditions).

5.2. **Planning Authority**

5.2.1. The planning authority submitted observations on the planning application on the 4th September 2023. The report provides a context for the submission and refers to the nature and location of the development, the planning history of the site, relevant planning policy and the submitted EIAR and AA Screening Report. It sets out the following considerations:

- EIAR – Satisfied with the considerations set out in the screening report and agrees with the conclusions reached. Note that the project that the development is associated with, peaker power plant, was not subject to EIA.
- AA – Consider that as there is indirect connectivity from the project works area to Natura 2000 designated sites, and the potential for impacts of the

project alone or in combination with other plans or projects, the need for mitigation measures against potential impacts cannot be ruled out and Appropriate Assessment should be carried out, informed by an Natura Impact Assessment. It is noted that the most recent planning application for the peaker power plant was subject to AA due to the hydrological connection of the Cross River with European sites and that the subject development is reliant on the storm water infrastructure permitted under PA ref. 22234 (permission for peaker power plant) and other mitigation measures to prevent contamination. The report refers to minutes of the Pre-application meetings with the Board for the subject development where the applicant referred to revisions to the NIS (for the peaker power plant) as appropriate for the grid connection.

- Miscellaneous considerations:
    - Special Amenity and Built Heritage. There are no Special Amenity Orders in the county and no Protected Structures or Recorded Monuments in the area of the site.
    - Landscape. Given the location of the development in an expanding urban area and nature of the development, with the majority underground, it is not considered that the development would give rise to an unacceptable visual impact at a local level or in the wider Landscape Character Area in which the site is situated (Lower Lough Ree and Athlone Environs LCA).
    - Flooding. Construction compound lies partly in an area which has a 'High Probability' of flooding. Recommends that the extent and layout of the construction compound should be minimised to limit encroachment into the identified flood zone.
    - Environmental Management. Limited details provided in CEMP, section 2.2.6, in respect of detail on the proposed recovery and disposal of C&D waste particular fluids/spoil from directional drilling.
    - Road network and traffic impacts. Support for principle of development but raises concerns regarding long term effects on the ability of Roscommon County Council to undertake and deliver future works

along the grid connection route (including road improvements and active travel measures), potential for cumulative effects arising from the future connection of the power plant to the East West gas mains, positioning of the UCG in the public road and impact on existing services (of UGC). The report refers to recommendations made by Roads Department (Appendix 1) and state that should the need arise to relocate the UGC in the future, this should be the responsibility of and at the cost of the developer.

- Residential amenity. No concerns given short duration of works, mitigation measures (including traffic management, appropriate working hours etc.) and general remove of development from residential areas.

5.2.2. In conclusion, the report considers the development to be acceptable in principle and in accordance with national, regional and local planning policy and endorses the development subject to an examination of it by the Board, undertaking of an Appropriate Assessment and a schedule of conditions to address matters raised by the Roads Department in respect of the public road. In summary, these are:

- *General*: positioning and depth of cable in the public road, design of joint bays, appropriate reinstatement of the public road, dedicated liaison engineer, payment of development contribution.
- *Cable route:* phasing plan for cable laying, details in respect of watercourse crossings/bridges, Traffic Management Plan in advance of each phase of works, pre-condition survey, survey of all existing surface water drainage to be affected by works, works to be in accordance with specified standards (road works and reinstatement of trench).
- *Equipment and materials route conditions – abnormal loads:* programme of abnormal load deliveries in advance of commencement and repair of any damage to road, footpath or public facilities/services.

5.3. **Further Submissions**

5.3.1. In September 2023, the Board invited the applicant to make submissions on the four observation received. The applicant makes the following comments on these:

- CRU – Note the support it gives to the development of gas generation plants.
- TII – Applicant is willing to comply with the conditions recommended by TII.
- PA – Applicant is willing the comply with the PAs recommendations to locate the proposed cabling as near as possible to the centre of the carriageway (except for the two no. roundabouts) and to minimise the size of the proposed construction compound to avoid potential flooding impacts. Stage 2 Appropriate Assessment Report attached to submission.
- DAU – Applicant is willing to comply with archaeological monitoring condition.

6.0 **Planning History**

6.1. Subject site (substation/construction compound):

- Under ABP-313042-22 the Board decided that the subject development, 110kV sub-station and grid connection, was strategic infrastructure. The Inspector's Report dated 5th May 2022 set out advice issued to the applicant during consultation stage. This included consultation with NPWS on potential impacts on the River Shannon and Lough Ree European sites, consultation with IFI regarding potential impacts on drainage patterns, preparation of an Environmental Report with particular regard to impact on ecology, biodiversity, amenity, heritage, drainage, water quality, flood risk and traffic management, preparation of comprehensive AA Screening/NIS report, due consideration to in-combination effects with other existing and proposed development in the area include the permitted power plant and public consultation.
- PA ref. 18256 and 22234 - Permission for a 100MW gas fired power plant, and associated infrastructure, was granted by the PA under PA ref. 18256 and revised under PA ref. 22234. The original planning application and permission under PA ref. 18256 included a 110kV substation. However, this

was omitted under PA ref. 22234 for future separate application to the Board under section 182A and section 182E.

6.2. Under PA ref. 10345 permission was granted for alterations to the existing 110kV Athlone electrical transformer station (replacement of high voltage equipment).

7.0 Policy Context

7.1. National and Regional Legislation/Policy

- National Planning Framework, Project Ireland 2040. Promotes transition to a low carbon economy and climate resilient society, with greater use of renewable energy and greater energy security, subject to environmental safeguards (NSO 8, NPO 55, NPO 52).
- Climate Action Plan, 2023. Includes measures to support acceleration of renewable electricity generation and flexibility in the power supply system such as strengthening of the electricity system by upgrading the network and building supporting infrastructure at key strategic locations and providing additional flexible gas fired generation (section 12.3.1 and 12.3.2).
- Northern and Western Regional Spatial and Economic Strategy (RSES) 2020-2032. Support the development of a safe, secure and reliable electricity network and transition to a low carbon economy, reinforcement and strengthening of the electricity transmission network and linkages with renewable energy proposals (RPO 8.1 to 8.3).

7.2. Roscommon County Development Plan 2022 to 2028

7.2.1. Chapter 8 of the current Roscommon CDP sets out policies in respect of climate action, energy and environment. These include policies which support development and actions that assist in achieving the national targets for energy from renewables and reducing greenhouse gas emissions associated with energy production (CAEE 8.3), facilitate proposals for infrastructure which support energy system efficiencies and reusable energy systems (CAEE 8.6) and the provision of a modern electricity network in the county (CAEE 8.9), subject to environmental safeguards.

7.2.2. Chapters 9 and 10 of the Plan, and policies contained within them, afford protection to archaeological heritage and natural heritage respectively.

7.2.3. The subject site falls within the administrative area of the Joint Urban Area Plan, Variation No. 2, Monksland Bellanamullia Local Area Plan (LAP) 2016 to 2022. The proposed substation lies largely on land zoned 'Industrial Uses'. The temporary construction compound lies within land zoned for 'Public Utilities'. A small areas at the southern boundary of the construction site boundary falls within 'Greenbelt'. The UGC falls largely in the public road network, traversing a range of zoning objectives including 'Greenbelt' at either side of the N6/M6 crossing. The southern part of the construction site falls within indicative flood zones A and B (see Map 13a, of LAP).

7.3. Natural Heritage Designations

7.3.1. The subject site is situated c.2km to the south west and downstream of Lough Ree SPA and SAC. It also lies c.1.75km to the west of River Shannon Callows SAC and Middle Shannon Callows SPA. The River Cross which lies immediately south of the construction site drains into the River Shannon, south of Athlone town, and passes through the River Shannon Callows SAC and Middle Shannon Callows SPA.

7.4. EIA Screening

7.4.1. A Screening Report for environmental impact assessment is included in the application documents. It describes the proposed development and refers to relevant legislation in respect of EIA in the State. The report concludes that the proposed development is not a type of project identified in Part 1 or Part 2 of Schedule 5 of the Planning and Development Act, 2000 (as amended) nor is it likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 (section 3.4 Screening Report). The Screening Report concludes therefore, that there is no requirement for environmental impact assessment.

Planning and Development Regulations 2001, as amended (P&D Regulations).

7.4.2. Part 1 and Part 2 of Schedule 5 to the P&D Regulations sets out classes of development for which EIA is mandatory. The proposed development, as an electricity substation and associated underground cable, does not fall within any of the classes of development set out in either Part 1 or Part 2. Assessment against

criteria set out in Schedule 7 of the Regulations is not therefore warranted for the project in its own right.

7.4.3. The proposed development is brought forward to enable electricity produced by the adjoining peaker power plant to be connected to the national grid. The peaker power plant has an output of 102MW (as amended under PA ref. 22234). It was previously considered by the planning authority under PA ref. 18256, as a sub-threshold development, that the development did not require EIA.

7.4.4. I note that Class 2(a) of Part 1, Schedule 5 of the Regulations requires EIA for '*A thermal power station or other combustion installation with a heat output of 300 megawatts or more'* and Class 3 of Part 2 requires EIA for:

> *'(a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.*
>
> *(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'*.

7.4.5. The permitted peaker power plant has an output of 102MW is substantially below the threshold for mandatory assessment and is situated in an urban area, on land zoned for industrial development, with limited potential therefore for significant environmental effects. The subject development does not increase power output and connection to the Athlone substation is proposed by underground cable, largely located in the public road. Additional land take is relatively modest and like the peaker power plant, it situated largely in an industrial area and along public roads. Due to the modest scale and footprint of the development and its inherent nature, use of natural resources and production of waste/pollution will be modest, with most adverse effects during construction. Consequently, whilst cumulative environmental effects may arise, due to the characteristics of the development and its location, environmental effects are unlikely to be significant or to warrant subthreshold environmental impact assessment.

8.0 **Oral Hearing**

8.1. There is no request by any party for an oral hearing. Further, in view of the details on file, inspected the site and having regard the nature of submissions made and matters raised, I do not consider that an oral hearing is necessary.

9.0 **Planning Assessment**

9.1. The proposed development facilitates connection of a permitted peaker power plant to the electricity transmission system. The peaker power plant will facilitate flexibility in electricity supply, support the use of renewable energy and provide stability in supply. The development is therefore in accordance with the national, regional and local policy context which supports the development of electricity infrastructure to accommodate renewable energy in the interest of transitioning to a low carbon and climate resilient society and energy security in the State.

9.2. The development is situated alongside the existing peaker power plant, within an industrial area and is appropriate in terms of land use and land use zoning. The grid connection route takes place largely in the road corridor, with temporary works in lands zoned greenbelt, and the structures to connect the subject development to the Athlone 110kV substation site, take place within the confines of the existing sub-station site and are a relatively modest addition, in scale and form, to existing structures on the site. I am satisfied therefore that the proposed development is acceptable in principle at its location, subject to assessment of environmental effects and matters raised.

9.3. Having regard to the foregoing and having examined the application details and all other documentation on file, including all of the submissions received in relation to the application, and inspected the site, and having regard to the policy context for the development, I consider that the main planning issues relate to:

- Roads and traffic issues.
- Flooding.
- Environmental management.
- Archaeology.
- Appropriate assessment (section 10 below).

9.4. **Roads and Traffic Issues**

9.4.1. TII raise concerns that any decision to grant permission for the development maintains the safety, capacity and strategic function of the national road network. The PA raise concerns regarding the long term effect of the proposed development on the public road network, likely future infrastructure associated with the peaker power plant that would affect the road network, positioning of the cable outside of the road corridor or as near as possible to the centreline of the carriageway, depth of UCG and detailed design drawings in advance of any grant of permission to demonstrate how the proposed works would impact on existing services. The PA also recommend general conditions to be attached to any permission in terms of managing likely effects on the road network, a general development contribution and a special development contribution and that the developer bear the cost and responsibility of any future requirement to relocate the UCG in road improvement works.

9.4.2. In response to the PA report, the applicant indicates willingness to locate the proposed cable as near as possible to the centre of the carriageway. No other comments are made on the matters raised by the PA.

9.4.3. National road. The issues raised by TII and conditions proposed to safeguard the safety, capacity and strategic function of the national road network during construction works are not unreasonable and can be controlled by condition.

9.4.4. Potential future development. Whilst future developments, associated with the peaker power plant, have potential to impact on the public road, this is a matter which lies outside the scope of the current application and should be addressed in any future application at the time. In this regard, it is in the interest of the applicant to ensure that such works are carried out in a coordinated manner to minimise construction time and costs.

9.4.5. Location and depth of cable route. The proposed development is situated in an urban area and the UGC route largely follows the public road network. This is not unusual and prevents works across multiple land owners and across different land uses which may not always be appropriate for underground services. Further, as per the request of the PA, the applicant has indicated willingness to locate the proposed cable route as near as possible in the centre of the carriageway. This approach

seems reasonable and would minimise the risk of future impediments to road improvement works.

9.4.6. Drawing no. 05850-DR-013 indicates a minimum cable depth of 750mm. The PA recommend a minimum depth of 1.075m below finished road surface and state that the depth indicated on drawing no. 05850-DR-013 is unacceptable, as it impacts on the ability of the Roads Department to carry out further enhancement works and routine road repairs. No comments have been made by the applicant I consider that it is not unreasonable for a greater cable depth be provided to enable future road improvement and road enhancement works.

9.4.7. General conditions. With regard to the general conditions recommended by the PA to manage the construction of the UGC in the public road, these are not unreasonable and would ensure the maintenance of the integrity and structure of the public road, the organised and detailed planning of the proposed works (e.g. interaction with services), traffic management during works and appropriate reinstatement of the public road.

9.4.8. Future relocation. The PAs recommendation that the applicant be responsible for any future requirement to relocate the cable, due to road improvement works, seems excessive given the likely use of the public road for multiple cable routes and services, the proposed location of the cable in the public road to meet PA requirements, the repair of the public road to PA standards post construction and the recommended payment of a development contribution.

9.4.9. Development contribution. The PA recommend that the Board apply a general development contribution condition and an additional annual contribution of €3000/km of roadway affected by the development of the grid connection for maintenance of the road.

9.4.10. Section 2 of the PAs Development Contribution Scheme (2014, as amended) refers to the categories of public infrastructure and facilities that the scheme provides for, these include the refurbishment, upgrading enlargement or replacement of roads. As the subject development benefits from the provision of such services (e.g. maintaining the condition of the public road which provides access to the sub-stations), it is reasonable that a general development contribution is required.

9.4.11. Section 17 of the current Roscommon Development Contribution Scheme refers to special development contributions. In accordance with section 48(2)(c) of the Planning and Development Act 2000 (as amended), the scheme states that an additional special contribution can be levied where costs which are not covered by the scheme are incurred in respect of public infrastructure which benefits or is necessary for the development to proceed. Further, it states that where such a payment is required, the condition shall specify the particular works to be carried out. In this instance, the PA has sought an additional annual contribution of €3000 but has not indicated what works will be carried out which benefit or are necessary for the development. In the absence of details on the likely maintenance works likely to be required by the development, I do not consider that a special development contribution is warranted.

9.5. Flooding

9.5.1. The proposed construction site is situated on lands which are at risk of flooding. The PA recognise that construction works will be temporary and do not represent a vulnerable category of development, but recommend that the extent and layout of the compound should be minimised to limit encroachment into the identified flood zone and that all due consideration is given as part of the overall assessment of all components of the SID proposal to potential flooding issues, including any off site impacts that may arise.

9.5.2. In response to the submission, the applicant indicates that they are willing to comply with the recommended requirement and to accept a condition to this effect.

9.5.3. The proposed construction compound includes lands near the River Cross which are likely to be affected by flood events, including High Probability events with an Annual Exceedance Probability (AEP) of 10%. A Low Probability, severe flood event with an AEP of 0.1% would cover much of the proposed construction site. At the time of site inspection it was evident that the proposed construction site is already in use as a construction site for the peaker power plant. Site offices have a minimal footprint (constructed over two floors), office are sited to the north of the site and an area of car parking is situated in the are at most risk of flooding.

9.5.4. Having regard to the foregoing it would seem reasonable that a similar approach is adopted for the layout of the proposed construction site for the substation, with the relatively modest structures and uses laid out to minimise the displacement of flood water onto adjoining lands. This is a matter that can be addressed by condition.

9.6. Environmental Management

9.6.1. The PA refer to the Resource and Waste Management Plan and Construction and Environmental Management Plan and state that there is limited detail on the proposed recovery and disposal of C&D waste, particularly fluids/spoil from the proposed directional drilling. The PA recommend that insufficient is information provided to regulate environmental management practices during construction. The applicant does not make any comments on the issue.

9.6.2. Construction methodology for horizontal directional drilling (HDD) is described in section 2.2.6 (page 13) of the Environmental Report and CEMP. Directional drilling under the M6 motorway will be c.120m in length with a launch pit on the east side of the motorway and reception pit on the west side. Depth of cable will be c.1.5 to 2m below motorway level. It is stated that excavated materials for the launch and reception pits will be stored on site and reused as backfill material for pits following completion of drilling. Spoil and waste material from the drilling process will be removed from site for disposal to a licenced waste facility. I would infer from this statement that waste material from drilling includes fluids.

9.6.3. In the Resource and Waste Management Plan, Table 6-1 refers to types of waste likely to be generated. Under excavated materials it refers primarily to soils, with the disposal of excavated material by licensed carrier to licensed landfill sites and handling in accordance with the Waste Management Regulations. There is no specific reference to fluids. In the interest of clarity, therefore, the specific treatment of fluids from proposed HDD can be addressed by condition and subject to disposal in accordance with the Waste Management Regulations.

9.7. Archaeology

9.7.1. In their submission to the Board, the DHLGH recommend an archaeological monitoring condition as per condition nos. C4 and C5 of the OPR Practice Note

PN03: Planning Conditions. The applicant has indicated a willingness to comply with this requirement in the event that permission is granted. I am satisfied therefore the issue can be addressed by condition and that the archaeological potential of the site can be safeguarded.

10.0 Appropriate Assessment

10.1. Screening

Compliance with Article 6(3) of the Habitats Directive

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

Background on the Application

10.3. The applicant has submitted a screening report for Natura Impact Statement as part of the planning application 'AA Screening Report' (July 2023). On foot of the submission by the PA to the board, the report has been superseded by a Natura Impact Statement (October 2023) which contains a revised screening exercise (section 6).

10.4. The NIS describes the proposed development, the nature of the construction works, the existing environment and potential connectivity of the subject site to the River Shannon Callows SAC and Middle Shannon Callows SPA, via the Cross River and local road drains. On the basis of an abundance of caution, the effects of the development on the two European sites are carried forward for more detailed consideration and full Stage 2 Appropriate Assessment.

10.5. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment – Test of Likely Significant Effects.

10.6. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on European sites.

Description of the development

10.7. The applicant provides a description of the development in section 1 and 2 of the NIS. It is also described in section 3.0 of this report. In summary, the development comprises:

- A 110kV single bay air insulated 110kV sub-station.
- Approximately 1.95km long 110kV single circuit underground connection (UGC) between the proposed Cuilleen substation and the existing ESB Athlone 110kV substation, to facilitate the grid connection.
- An electrical equipment bay within the existing Athlone 110kV substation.
- A temporary construction compound (111sqm) to the west of the Gas Fired Peaker Power Plant. These include staff welfare facilities.
- All associated site development, drainage and ancillary works. These include arrangements for storm water and foul water drainage (see Drawing no. 05850-DR-083 Proposed 110kV Substation Site Layout Plan – Drainage Layout). Storm water comprises 2 no. filter drains and storm water pipes to collect rain run-off from hardstanding areas. These will connect into the storm water drainage infrastructure for the adjoining peaker power plant. Foul water drainage from the EirGrid control building will discharge into the foul water infrastructure on site of the approved gas fired power plant (see Drawing no. 05850-DR-083 Proposed 110kV Substation Site Layout Plan – Drainage Layout). It is stated in the NIS (section 2.6) that the power plant drainage design includes silt control, interceptors, attenuation storage and hydrobrake. Stormwater will be generated at greenfield rates with outfall to Cross River located to the south of the power plant. No surface water drainage is required for the underground cable or cable bay in Athlone substation.

10.8. The development will be constructed in accordance with the outline Construction Environmental Management Plan and Waste Management Plan. Means to prevent soil and water pollution are set out in section 4.6.4. of this Plan. These include pollution risk assessment in advance of construction and implementation of a pollution prevention management plan with identified soil and water mitigation measures.

Development Site

10.9. The development site is described in section 5 of the NIS. This is based on ecological surveys of the site on the 21st April 2023. The existing environment is described as follows:

- Underground cable route and Athlone substation – The proposed development is almost entirely within the hardstanding areas of the existing substation and public road (Monksland Industrial Estate roadways, R362, R446, and St. Coman's Park). The remainder of the route comprises directional drilling under the M6. The surface water drainage network for the southern section of the project (industrial estate and R362) flows towards the Athlone wastewater treatment plant. Outfalls for the northern section (R446 and St. Coman's Park) are unknown and it is assumed for the assessment that outfall is to the River Shannon. The April 2023 survey found no features of high ecological importance along the UGC route, bordering the urban roads in Athlone or in the existing Athlone sub-station site. The proposed launch pit and reception pits are within previously cleared land (Plates 5-1 and 5-2). There are no mammal refuges along the route. An invasive plant, Cherry Laurel was noted bordering the project in Monksland Industrial Estate (planted landscape feature at business premises).
- Proposed substation – Comprises a site which has been cleared alongside the peaker power plant. No ecological features or invasive species were identified on the cleared substation site (Plates 5-3 and 5-4) or in previous surveys of it in 2022 (described as comprising scrub habitat with bramble, gorse and willow).
- Watercourses – The entire site lies within the Shannon Upper (SC_100) sub-catchment. There are no EPA watercourses within the project site. The nearest watercourse is the Cross River (Plate 5-6), a tributary of the River Shannon. Site surveys identified an unnamed surface water feature (Plate 5-5) which flows alongside the proposed substation site (not mapped within EPA datasets). Site survey in April 2023 noted that the feature has been culverted/piped as part of the power plant project along the perimeter of the substation site/power plant, with outfall to the Cross River (Plate 5-6). The

National Biodiversity Data Centre Records identify the Cross River as accommodating otter, White-clawed crayfish, Brook lamprey and other fish species.

Issues for Examination (Likely Effects)

10.10. Taking into account he characteristics of the proposed development in terms of its location and the scale of works there is a risk that the subject development may give rise to contaminated surface water during construction and operation that makes its way to the Cross River and/or River Shannon, with adverse effects on water quality and hence water quality dependent Qualifying Interests of European sites. The application documentation do not specific the arrangements for the disposal of waste water from welfare facilities and this also raises potential for adverse effects on water quality during construction (ground or surface).

Submissions and Observations

10.11. In their submission to the Board, the PA consider that there is indirect connectivity from the project works area to Natura 2000 designated sites, and the potential for impacts of the project alone or in combination with other plans or projects. Therefore, the need for mitigation measures against potential impacts cannot be ruled out and Appropriate Assessment should be carried out, informed by an Natura Impact Assessment.

European Sites

10.12. The development site is not located in or immediately adjacent to a European site. The closest European sites are c.1.3km, by direct line, east of the proposed development and c.3.5km by water. These comprise the River Shannon Callows SAC and Middle Shannon Callows SPA. These European sites fall within the zone of influence of the proposed development, by virtue of the potential for contaminated surface water to be discharged to the Cross River (which empties into the River Shannon) and/ or to the River Shannon. Possible connections are summarised below. Having regard to the location, nature and scale of the proposed development, and absence of connectivity, no other European sites fall within the zone of influence of the development.

Table 1. Summary Table of European Sites within a possible zone of influence of the proposed development.

European Site (code)	QI/SCI	Distance from development	Connections	Considered further (Y/N)
River Shannon Callows SAC (000216)	Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510] Alkaline fens [7230] Limestone pavements [8240] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Lutra lutra (Otter) [1355]	c.1.3km	Potential indirect connectivity to the SAC via the unnamed surface water features which flows from proposed substation to Cross River. Cross River lies partly within the SAC and discharges into the River Shannon. There is also potential hydrological connectivity to the SAC via road drainage network along the alignment of the UGC.	Yes.
Middle Shannon Callows (004096)	Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Corncrake (Crex crex) [A122] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Black-tailed Godwit (Limosa limosa) [A156] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]	c.1.3km	Potential indirect connectivity to the SAC via the unnamed surface water features which flows from proposed substation to Cross River. Cross River lies partly within the SAC and discharges into the River Shannon. There is also potential hydrological connectivity to the SAC via road drainage network along the alignment of the UGC	Yes.

Identification of Likely Effects

10.13. In summary, likely effects on the River Shannon Callows SAC and Middle Shannon Callows SPA may arise from:

- Interaction of the construction phase of the project (UCG, Athlone substation) with existing drainage infrastructure and the potential for the development to impact on water quality in the River Shannon and for adverse effects on habitats and species of conservation interest.
- Accidental interaction with the buried pipe/ remaining open sections of the unnamed watercourse that runs through/ alongside the substation site and which outfalls to the River Shannon, with the potential for the development to impact on water quality in the river and for adverse effects on habitats and species of conservation interest.
- Discharge of contaminated water from the construction site to the adjoining watercourse, Cross River with impacts on downstream QIs of European sites.
- Unmanaged disposal of waste water from welfare facilities used during the construction phase of the development.

Mitigation Measures

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

10.15. **Screening Determination**

10.16. 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 Site Nos. 000216 and 004096, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.

10.17. **Appropriate Assessment**

The Natura Impact Statement

10.18. The application includes a NIS '*110kV Electrical Substation (Cuilleen) and Grid Connection Natura Impact Statement October 2023'*. It examines and assesses the potential for adverse effects on River Shannon Callows SAC (site code 000216) and Middle Shannon Callows SPA (004096). The report is based on the detailed design of the development, existing environment, site survey carried out in April 2023, published data on the nature of the conservation interests in the European sites, potential threats and pressures, proposed mitigation measures and the potential for cumulative impacts with other plans or projects. The NIS concludes that following a comprehensive evaluation of the potential direct, indirect and in-combination effects on the qualifying interests of the SAC and SPA and the implementation of the prescribed mitigation measures, there will be no adverse effects on the integrity of the River Shannon callows SAC , Middle Shannon Callows SPA or any of the European sites, either from the proposed project individually or in combination with other plans or projects.

Appropriate Assessment of Implications of the Proposed Development

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

European Sites

10.20. The following sites are subject to Appropriate Assessment:

- River Shannon Callows SAC.
- Middle Shannon Callows SPA.

Aspects of the Proposed Development

10.21. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites are the potential for water pollution arising from:

- Interaction of the construction phase of the project (UCG, Athlone substation) with existing drainage infrastructure.
- Accidental interaction with the buried pipe/ remaining open sections of the unnamed watercourse that runs through/ alongside the substation site.
- Discharge of contaminated water from the construction site to the adjoining watercourse.
- Unmanaged disposal of waste water from welfare facilities.

10.22. **River Shannon Callows SAC**

10.23. The River Shannon Callows SAC is a large site designated along the River Shannon to the south of Athlone Town to Portumna. It is described by the NPWS in the Site Synopsis as:

> *'a long and diverse site which consists of seasonally flooded, semi-natural, lowland wet grassland, along and beside the river between the towns of Athlone and Portumna. It is approximately 50 km long and averages about 0.75 km wide (reaching 1.5 km wide in places). Along much of its length the site is bordered by raised bogs (many, but not all, of which are subject to large-scale harvesting), esker ridges and limestone-bedrock hills. The soils grade from siltyalluvial to peat. This site has a common boundary, and is closely associated, with two other sites with similar habitats, River Suck Callows and Little Brosna Callows*'.

10.24. The site is a Special Area of Conservation (SAC) selected for the habitats and species indicated in Tables 1 and 2. Potential threats and pressures are indicated in section 7.1.3 of the NIS and include changes to siltation rates. Assessment of the likely direct, indirect and cumulative effects of the development on the SAC are considered in Table 2 below.

Middle Shannon Callows SPA

10.25. The River Shannon Callows SPA extends from Athlone Town to Portumna, along the River Shannon and including lands on each side of the river. It is described in the NPWS Site Synopsis as:

> *'is a long and diverse site which extends for approximately 50 km from the town of Athlone to the town of Portumna; it lies within Counties Galway,*

Roscommon, Westmeath, Offaly and Tipperary. The site averages about 0.75 km in width though in places is up to 1.5 km wide. Water levels on the site are greatly influenced by the very small fall between Athlone and Portumna and by the weir at Meelick. The site has extensive areas of callow, or seasonally flooded, semi-natural, lowland wet grassland, along both sides of the river. The callows are mainly too soft for intensive farming but are used for hay or silage or for summer grazing. Other habitats of smaller area which occur alongside the river include lowland dry grassland, freshwater marshes, reedbeds and wet woodland. The diversity of semi-natural habitats present and the sheer size of the site attract an excellent diversity of bird species, including significant populations of several'.

10.26. The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the species and habitats indicated in Table 1 and 3. Potential threats include human activity. Assessment of the likely direct, indirect and cumulative effects of the development on the SPA are considered in Table 3 below.

Table 2: AA Summary Matrix

River Shannon Callows SAC (sited code 00216). Potential for adverse effects: • Interaction of the construction phase of the project (UCG, Athlone substation) with existing drainage infrastructure. • Accidental interaction with the buried pipe/ remaining open sections of the unnamed watercourse that runs through/ alongside the substation site. • Discharge of contaminated water from the construction site to the adjoining watercourse. • Unmanaged disposal of waste water from welfare facilities.					
Qualifying Interest	**Conservation Objectives. Targets and Attributes**	**Summary of Appropriate Assessment**			**Can adverse effects on integrity be excluded**
		Potential for Adverse Effects	**Mitigation Measures**	**In-combination Effects**	
Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]	To restore the favourable conservation condition of the habitat by reference to defined attributes and target e.g. habitat area stable or increasing, no decline in occurrence, presence of indicator species.	Terrestrial habitat. Identified locations occurs >5km downstream of the site (east and west of river). No direct or indirect connectivity and no potential for adverse effects during construction or operation.	Not applicable.	Not applicable.	Yes.
Lowland hay meadows (Alopecurus pratensis,	To restore the favourable conservation condition of the	Terrestrial habitat. Identified locations occurs >5km downstream of the	Not applicable.	Not applicable.	Yes.

Sanguisorba officinalis) [6510]	habitat by reference to defined attributes and target e.g. habitat area stable or increasing, no decline in occurrence, presence of indicator species.	site (east and west of river). No direct or indirect connectivity and no potential for adverse effects during construction or operation.			
Alkaline fens [7230]	To maintain the favourable conservation condition of the habitat by reference to defined attributes and target e.g. habitat area stable or increasing, no decline in occurrence, maintain soil nutrients, hydrology, pH, presence of indicator species.	Occurs at Portumna, significantly removed from subject development (>50km downstream). No potential for significant effects with modest nature of works, distance and dilution effects of substantial body of water.	Not applicable.	Not applicable.	Yes.
Limestone pavements [8240]	To maintain the favourable conservation condition of the habitat by reference to defined attributes and target e.g. habitat area stable or increasing, no decline in	Limestone pavement identified as occurring on land to the east of the Shannon river >15km directly south of the application site, more by water. No direct or	Not applicable.	Not applicable.	Yes.

	occurrence, presence of indicator species.	indirect effects on this terrestrial habitat.			
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To maintain the favourable conservation condition of the habitat by reference to defined attributes and target e.g. habitat area stable or increasing, no decline in occurrence, maintenance of woodland structure.	Habitat identified as occurring on banks of the River Shannon >30km downstream of the site. No direct or indirect effects on this terrestrial habitat, with distance, terrestrial nature of habitat and likely insignificant effect on water quality to impact on habitat (distance, dilution).	Not applicable.	Not applicable.	Yes.
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition of the habitat by reference to defined attributes and target e.g. distribution, extent of terrestrial and freshwater habitat, couching sites and holts, barriers.	Occur throughout SAC (282.1ha mapped terrestrial habitat; 146.7km mapped length of freshwater habitat). No direct impacts as no instream or bank side works within SAC or in Cross River. Deterioration in water quality from impacts on road drainage networks and on unnamed surface	Construction mitigation measures set out in CEMP and NIS. Include: Standard measures to prevent soil and water pollution (CEMP); appointment of Ecological CoW to implement mitigation measures during construction; blocking of road drainage gullies	Plans and projects in the area of the proposed development indicate that the assessment of the adopted plans and permitted projects (in the past 5 years) would have been subject to EIA and AA with no potential for effects on European sites and/or developments have no connectivity	Yes.

		water feature alongside substation site and Cross River could adversely impact on prey species e.g. silt laden waters from UGC entering road drainage works, overland flow of contaminated surface water from construction compound and/or substation site to Cross River/open channel section of surface water feature near substation site or accidental interaction with piped/culverted sections. Construction compound removed from SAC. Site surface and fenced and does not support otter habitat.	within 50m of open trench construction; silt fences along eastern boundary of Cuilleen substation site (between works and open channel); demarcation of culverted/piped section of unnamed channel; access by machinery to avoid open stretches of unnamed watercourse adjacent to substation site; stockpiling >50m from channel; no excavation works during/following heavy rainfall; dewatering of excavations to be avoided or directed to settlement pond >50m from channel; no discharge to Cross River/open water channels/ ditches;	with the subject development site. Having regard to the modest nature of the proposed development, integration with existing permitted development and absence of significant effects of other plans and projects in the area of the site on European sites, in-combination effects can be ruled out.	

			construction to industry best practice guidelines; application of standard mitigation measures for construction related contaminants (refuelling, maintenance, storage, pouring of concrete etc.). Operation. Development to discharge foul and surface water to drainage system of permitted Peaker Power Plan. Design mitigation measures include silt traps and petrol interceptors within surface water drainage design for permitted power plant site and Cuillean substation. NB <u>Additional mitigation measures required</u> in respect of construction phase (a) appropriate disposal of waste from welfare facilities		

			and (b) management of surface water in construction compound as neither issue specifically addressed.		

Overall conclusions: Integrity test

Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.

Table 3: AA Summary Matrix

Middle Shannon Callows SAC (sited code 04096).

Potential for adverse effects:

- Interaction of the construction phase of the project (UCG, Athlone substation) with existing drainage infrastructure.
- Accidental interaction with the buried pipe/ remaining open sections of the unnamed watercourse that runs through/ alongside the substation site.
- Discharge of contaminated water from the construction site to the adjoining watercourse.
- Unmanaged disposal of waste water from welfare facilities.

Qualifying Interest	**Conservation Objectives. Targets and Attributes**	**Summary of Appropriate Assessment**			**Can adverse effects on integrity be excluded**
		Potential for Adverse Effects	**Mitigation Measures**	**In-combination Effects**	
Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Corncrake (Crex crex) [A122] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Black-tailed Godwit (Limosa limosa) [A156]	To maintain or restore the favourable conservation condition of the species by reference to defined attributes and target e.g. long term population trends, spatial distribution, levels of disturbance, barriers to connectivity and site use, suitable foraging and or roosting habitat and supporting habitat.	No direct impacts, site is removed from the SPA and no instream works proposed. The subject site is removed from the SPA but there is potential for birds to forage outside of the site boundary. The subject site comprises largely hard surfaces (existing substation, roads, proposed substation site, site	Not applicable.	Not applicable.	Yes.

Black-headed Gull (Chroicocephalus ridibundus) [A179]	[NB status of corncrake and conservation objectives for Corncrake under review).	of launch pit) and the site contains no habitats that would accommodate ex situ QI species (including launch and reception pit sites).			
Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of wetlands in the SPA defined by wetland habitat area and wetland habitat quality and functioning.	There is potential for hydrological connectivity, as per the River Shannon Callows SAC, with potential for deterioration in wetland habitats from water pollution.	As per Table 2 (otter).	In-combination assessment as per Table 2 (otter).	Yes.
Overall conclusions: Integrity test Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site and no reasonable doubt remains as to the absence of such effects.					

Integrity Test

10.27. Having regard to the appropriate assessment and consideration of mitigation measures presented in Tables 2 and 3, and to additional measures which address the disposal of waste water from construction welfare facilities and the management of surface water on the construction site, I am able to ascertain with confidence that the project would not adversely affect the integrity of either River Shannon Callows SAC or the Middle Shannon Callows SPA in view of the Conservation Objectives of the sites. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

10.28. **Appropriate Assessment Conclusion**

10.29. The development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Shannon Callows SAC (000216) or the Middle Shannon Callows SPA (site code 004096). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.

10.30. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites Nos. 000216 and 004096, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project, including mitigation measures, and other plans and projects in the area of the site and there is no reasonable doubt as to the absence of adverse effects.

11.0 Recommendation

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

12.0 **Reasons and Considerations**

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

a) the nature, scale and extent of the proposed development,

b) the characteristics of the site and of the general vicinity,

c) national, regional and locally policy support for developing renewable energy in particular:

- National Planning Framework, 2018,
- Climate Action Plan, 2023,
- Regional Spatial and Economic Strategy for the Northern and Western Region,
- Roscommon County Development Plan, 2022,

d) The documentation submitted with the application, including the Natura Impact Statement, the Environmental Report and Construction Management Report, Traffic and Transport Assessment and Resource and Waste Management Plan,

e) the planning history of the immediate area including proximity to the permitted peaker power plant (PA refs. 18256 and 22234) with the subject development providing the grid connection for this peaker power generating infrastructure,

h) the distance to dwellings or other sensitive receptors from the proposed development,

i) the submissions on file including those from third parties, prescribed bodies and the Planning Authority,

k) the report of the Inspector.

12.2. **Appropriate Assessment - Stage 1**

12.2.1. The Board considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the

European sites in respect of which the proposed development has the potential to have a significant effect are River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (site code 004096).

12.3. Appropriate Assessment – Stage 2

12.3.1. The Board considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the River Shannon Callows SAC (000216) and the Middle Shannon Callows SPA (site code 004096), in view of the sites conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

(i) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,

(ii) the mitigation measures which are included as part of the current proposal, and

(iii) the conservation objectives for the European Sites.

12.3.2. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

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

12.4. Proper Planning and Sustainable Development

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

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

13.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. **Reason**: In the interest of clarity.
2.	The period during which the development may be carried out shall be 10 years from the date of this Order. **Reason:** In the interest of clarity and having regard to the scale and nature of the proposed development.
3.	The mitigation measures identified in the Natura Impact Statement and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission. **Reason**: In the interest of clarity and protection of the environment during the construction and operational phases of the proposed development.
4.	Prior to the commencement of development, the following details shall be submitted to the planning authority for written agreement: i. Details of the layout of the construction compound to include location of temporary structures outside flood zones, as far as practicable, and arrangements for the management, treatment and disposal of surface water during construction, and

	ii. Arrangements for restoration of the construction compound and temporary works areas (HDD drilling) upon completion of construction works. **Reason:** To prevent flooding and in the interest of environmental protection and visual amenity.
5.	Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate. **Reason:** In the interest of public health and to ensure a proper standard of development.
6.	The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate. In this regard, prior to the commencement of the development, the following details shall be submitted to the transportation authority for written agreement: i. Location of the underground cable route, where possible, as near to the centre of the public road as possible (except at 2 no. roundabouts), ii. Cable ducting to be placed at a minimum depth of 1.075m below finished road surface. iii. Reinstatement and restoration measures. iv. A detailed phasing plan and Traffic Management Plan for each phase of works. v. All watercourse crossings/ bridges, to include detailed design to demonstrate means of crossing. vi. A pre-condition survey of the UGC, to include details of all existing surface water drainage features. The pre-condition survey shall be taken to provide a basis for reinstatement works. vii. Detailed design and construction of the horizontal directional drilling crossing of the N6.

	viii. A Construction Management Plan in relation to the crossing and ongoing operation of the national road network. ix. A detailed programme of abnormal load deliveries. **Reason:** In the interest of traffic and pedestrian safety and to safeguard the carrying capacity of the public road network.
7.	Any damage to the public road during construction shall be fully reinstated to the satisfaction of the planning authority. **Reason:** In the interest of traffic safety and to safeguard the carrying capacity of the public road network.
8.	The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, invasive species management plan and off-site disposal of construction/demolition waste (to include drilling waste/fluids) and the disposal of waste water from staff welfare facilities. **Reason:** In the interest of public safety and residential amenity.
9.	The site development and construction works shall be carried out in such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis. **Reason:** To protect the amenity of property in the vicinity.
10.	The developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping and groundworks. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the

	area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation. The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer. **Reason:** To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.
11.	Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads from construction work and delivery of abnormal loads, with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination. **Reason:** To ensure the reinstatement of public roads in the interest of traffic safety and to safeguard the carrying capacity of the public road network.
12.	The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid

	prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine. **Reason**: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Deirdre MacGabhann
Planning Inspector

8th November 2023