



An
Bord
Pleanála

Inspector's Report

ABP-317635-23

Development	Proposed construction of a 110 kV substation and all associated infrastructure
Location	located in the townland of Freagh Co. Offaly
Planning Authority	Offaly County Council
Applicant(s)	Harmony Solar Offaly Limited
Type of Application	SID - Section 182(A) of the P&D Act.
Observer(s)	None.
Date of Site Inspection	20/12/2023.
Inspector	Auriol Considine

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Introduction

- 1.1. Planning approval is sought under the provisions of section 182A of the Act for the construction of a 110 kV 'Loop-in Loop-out' substation and all associated infrastructure on lands in the in the townland of Freagh Co. Offaly. The site has a stated area of 2.72ha and access to the site will be via a new entrance onto the L6042 local road (previously permitted as part of the proposed solar farm). The proposed development is being sought to facilitate the connection of the recently permitted solar energy development, identified as Kilcormac Solar Farm, PA ref: 23/74 to the national grid. The development, permitted on the 25th of October 2023 subject to 21 conditions.
- 1.2. Harmony Solar Offaly Ltd. entered into pre-application consultation with ABP under the Planning & Development Act, 2000 (as amended), for the proposed development of a 110kV 'Loop In/Loop Out' (LILO) substation to facilitate a planned approx. 187 hectares solar farm with a provisional maximum installed capacity of approx. 150MW, on 19th January 2022 (ABP-312532-22 refers). The Board confirmed that it was of the opinion that the proposed development falls within the scope of section 182A of the Planning & Development Act 2000, as amended, in its direction dated 27th June 2022, and accordingly would comprise strategic infrastructure.
- 1.3. While it was determined that the proposed development would not come within a class set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations, 2001 (as amended), the current application is accompanied by a Planning and Environmental Report.
- 1.4. Submissions on the application were received from the Offaly County Council, Transport Infrastructure Ireland and Development Applications Unit.
- 1.5. The applicant has created a website for the proposed development and has provided all of the relevant information relating to the SID application at [Kilcormac SID – Website for Public Consultation](#).

2.0 Site Location and Description

- 2.1. The subject site lies approximately 1km to the south west of the town of Kilcormac, Co. Offaly. The wider area comprises primarily agricultural land and the area is quite rural in nature with a dispersed settlement pattern. The site is level with trees and hedgerows forming the field boundaries.
- 2.2. The site lies to the south of the N52 national primary road, and it is proposed that the site will be accessed via the permitted road associated with the recently permitted solar farm on a site which covers approximately 187ha in three pockets, one adjacent to the substation site and two further parcels to the west of the current proposed substation site. This permitted solar farm will have a provisional maximum installed capacity of approximately 150MW.
- 2.3. There is an existing 110kV electricity line which traverses the site in a west to east direction and it is proposed that the substation will connect to this line. The line runs to the south of the proposed substation.

3.0 Proposed Development

- 3.1. The proposed development consists of, as per the public notices, the construction of a 110kV 'Loop in-Loop out@ (LILO) substation and associated works on a site of 2.72 hectares.
 - A substation occupying 2.1ha, comprising:
 - Transmission System Operator (TSO) compound with electrical equipment, transformer, sub-compound, bus bars sub-compound, cable chairs and substation building (435m²), which will be enclosed by palisade fencing containing an area of 0.84ha);
 - One 110kV transformer within the TSO compound and the provision of an area for a second transformer if future Eirgrid if expansion is required;
 - TSO expansion area enclosed by palisade fencing at 0.79ha;
 - Operators compound (with switch room building, electrical equipment and rainwater collection system) enclosed by palisade fencing at

0.25ha. The proposed operators control building will have a gross floor area of 216.4m²;

- Perimeter protection area of fencing at 0.19ha;
 - 7 no. lighting masts to a height of 18m;
 - 1 no. telecoms pole to a height of 20m;
 - Additional space for the possible future requirements for a Harmonics Filter.
- New entrance to the L6042 local road shared with the proposed solar farm.
 - A 5-meter-wide access road corridor (807m long).
 - Underground cable corridor of 121m in length and provision of 2 no. 16m high mast structures linking the proposed substation to the adjacent existing overhead 110kV transmission line.
 - Associated construction works and drainage infrastructure.

3.2. The application to the Board was accompanied by the following documents:

- SID application form, site notices and relevant plans and particulars.
- Letters to prescribed bodies
- Planning Application Addendum report
- Planning and Environmental Report
- Ecological Impact Assessment
- Appropriate Assessment Report
- Flood Risk Assessment
- Construction Environmental Management Plan
- Landscape and Visual Impact Assessment Report and LIVA Photomontages
- Aquatic Ecological Impact Assessment
- Archaeological Assessment

The application also included 8 copies of an Electronic Version of the application, .dwg CAD file and GIS 'Shapefile' of the red line application site boundary, and details of the SID website link.

4.0 Consultations

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

- Minister of Housing, Local Government and Heritage
- Minister for Environment, Climate and Communications
- Minister for Agriculture, Food and the Marine
- Offaly County Council
- EirGrid
- ESB (Electric Ireland)
- Commission for Regulation of Utilities
- Transport Infrastructure Ireland
- Irish Water
- Inland Fisheries Ireland
- An Chomhairle Ealaíon
- Fáilte Ireland
- An Taisce
- Heritage Council
- Irish Aviation Authority
- Health & Safety Authority

4.2. Responses were received from the Department of Housing, Local Government and Heritage (Development Applications Unit), Transport Infrastructure Ireland, and Offaly County Council, which are summarised below.

5.0 Submissions

5.1. Local Authority

5.1.1. Offaly County Council submitted a report/submission on the proposed development which is summarised as follows:

- The report sets out the relevant policies – international, national, regional and local – and sets out the relevant policies included in the current Offaly County Development Plan, 2021-2027.
- The report sets out the planning history of the site and surrounding area and notes that an application for permission for a solar farm is with the Council for determination¹.
- The area is not subject to any Special Amenity Order.
- The site is not located within or immediately adjacent to any Natura 2000 sites, with 8 such sites noted within 15km of the application site (the closest SAC is 7km and SPA 7.2km)
- There is one archaeological site within the lands (associated with the wider solar farm and within the central land block) and a further 11 archaeological sites within 1km. This was the subject of further information and clarification requests under PA ref: 23/74.
- The substation is located within Flood Zone C and is at low risk of flooding.
- The site is located in a low sensitivity area in terms of landscape and OCC considers that the proposed development is capable of being absorbed into the landscape without significant impacts.
- The Road Design Section of OCC raised no objections to the proposed development subject to 6 conditions.

¹ The Board will note that this application has been permitted since the submission of the Local Authority's report on the proposed substation application.

- There are no concerns raised in respect of the environmental carrying capacity of the site and surrounding area, and the PA acknowledges the strategic importance of the proposed development.
- Community gain condition attached to permission 23/74.
- Development Contribution Scheme is applicable, and a condition is recommended.
- OCC does not seek any further special contribution condition.

The report includes 2 appendices as follows:

- A. Road Design Section Report
- B. Birr Municipal District Comments

5.2. Prescribed Bodies

5.2.1. The following prescribed bodies made submissions on the proposed development and are summarised as follows:

- **Housing Manager DAU**

The submission outlines the heritage related observations of the Department as follows:

Archaeology:

- Concerns raised that not all sources of information relevant to the identification of potential archaeological constraints were adequately consulted in preparing the desk based Archaeological Impact Assessment.
- Potential earthwork feature is located within the northern half of the proposed development site – identified in the LiDAR - and requires further investigation.
- The proposed mitigation strategy – to defer the full archaeological impact assessment of the proposal to post consent / pre construction stage, in light of the LiDAR evidence, is raised as a significant concern.
- An advanced programme of archaeological geophysical survey and archaeological test excavation would provide more substantive information

and allow for informed decision making and the formulation of appropriate mitigation measures.

- Further information required.
- Archaeological conditions provided.

Nature Conservation:

- Requires that a condition be included requiring that a Pesticide Use Assessment be carried out and that a Sustainable Vegetation Management Plan be agreed with the local authority.
- **Transport Infrastructure Ireland**
 - The Authority will rely on ABP to abide by official policy in relation to development on/affecting national roads.
 - The Authority will entertain no future claims in respect of impacts (eg. noise and visual) on the proposed development if approved due to the presence of the existing road or any new road scheme currently in planning.

5.3. Third Party Observations

None.

5.4. Applicants Response

5.4.1. The applicant submitted a response to the above submissions to the application and is summarised as follows:

5.4.2. Offaly County Council

- The applicant acknowledges the submission of Offaly County Council.
- The recommended conditions are deemed reasonable and are welcome should the Board deem them necessary in relation to access and development contributions.
- The comments in relation to 'Community Gain' relate to the adjoining solar farm and do not relate to the subject SID application. Similar conditions have been included in the final grant of permission for the solar farm under Reg. Ref. 23/74.

5.4.3. **Transport Infrastructure Ireland**

- Official policies have been incorporated within the design of the development.

5.4.4. **DAU**

- The applicant acknowledges the comments and has commissioned the preparation of a supplementary archaeological assessment to address the observations made.
- The supplementary archaeological assessment outlines the methodologies employed to fully assess and describe the identified potential feature. The report concludes that the feature is a natural feature and is not of archaeological interest, based on a desktop study and supplementary field survey in October 2023.
- The recommended conditions of the DAU be attached to any grant of permission for the development, including the requirement for an archaeological geophysical survey.

6.0 **Planning History**

6.1. The applicant entered into pre-application consultation with ABP (**ABP-312532-22** refers). The Board confirmed that it was in the opinion that the proposed development falls within the scope of section 182A of the Planning & Development Act 2000, as amended, in its direction dated 27th June 2022.

6.2. **PA ref: 23/74:** Planning permission was granted by Offaly County Council, on the 20th September 2023, subject to 21 conditions for the following development:

10-year permission and 40-year operation for a solar farm on 3 no. land parcels as described herein:

- West Parcel (Doverhill Townland) C.81.04 hectares,
- Central Parcel (Gortnamuck & Curraghmore (Eglisk BY) Townlands c42.2 hectares, and
- East Parcel (Gortnamuck & Freagh Townlands) c16.07 hectares.

A route corridor of 3ha for an underground internal electrical cable connecting the west and central parcels to the east parcel consisting of c.3,956m underground cabling within the corridor of the L6042 'Rath Road' public road. The total site area for the proposed development is c. 142.31ha and consists of the following:

- 834,632m² of solar photovoltaic panels on ground mounted steel frames;
- Inverters / transformer stations;
- Underground power and communication cables and ducts;
- Boundary security fencing;
- 2 no. medium voltage (MV) control buildings;
- New internal access tracks associated drainage infrastructure;
- 3 no. site entrances to the L6042 'Rath Road' public road;
- 40 no. CCTV / lighting posts and all associated site works.
- Installations of internal network cable comprise trenching for an underground medium voltage electrical cable and associated joint bays and infrastructure for a distance of approximately 2,750m in length along the L6042 'Rath Road' public road and approximately 1,206m within the solar farm lands.

The proposed solar farm will be broken into 2 no. separate phases:

- Phase 1 will consist of the development of the solar PV arrays located in the east parcel (C16.07ha), Central Parcel (C42.2ha) and West Parcel (C14.46ha).
- Phase 2 of the solar farm will consist of the development of the remainder of the solar PV arrays in the West Parcel covering a site area of C66.58ha.

As part of a separate Strategic Infrastructure Development (SID) Planning Application, provision of a 110kV electrical substation with electrical control building, associated compound with palisade fencing and 2 no. overhead line

masts, which is to be located in the East Parcel, will be lodged with An Bord Pleanála in due course.

7.0 Legislative & Policy Context

7.1. Europe 2030 Climate and Energy framework and Renewable Energy Directive 2009/28/EC & 2018/2001/EU

- 7.1.1. The Framework and Directive sets out detailed requirements from members states for the achievements of overall increases in renewable energy and in the stabilisation of national and international grid networks.

7.2. Project Ireland 2040 - National Planning Framework, 2018

- 7.2.1. The National Planning Framework (NPF) is the overarching national planning policy document for Ireland. The NPF is a high-level strategic plan that sets out a vision for Ireland to 2040, expressed through ten National Strategic Outcomes (NSOs).
- 7.2.2. NSO No. 8 is relevant in terms of the proposed development in seeking “the transition to a low carbon and climate resilient society”. The NPF acknowledges that Ireland’s energy policy is focused in terms of sustainability, security of supply and competitiveness. It is an action of the NPF under NSO no. 8 to:

“reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres”.

- 7.2.3. 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.”

7.3. National Development Plan 2021-2030

- 7.3.1. The National Development Plan, 2021-2030 (NDP) sets out the Government’s investment strategy and budget up to 2030, committing to increasing the share of renewable energy up to 80% by 2030. The Plan acknowledges that this will require world-leading levels of wind and solar electricity penetration onto the national grid.

7.4. Climate Action Plan 2023

- 7.4.1. The plan, the second update to Ireland's Climate Action Plan 2019, identifies that the electricity sector faces immense challenges to meet its requirements under the sectoral emissions ceilings and the importance of decarbonising electricity consumed, by harnessing the significant renewable energy resources. Ensuring the building of renewable rather than fossil fuel generation capacity to help meet the projected growth in electricity demand is essential.
- 7.4.2. To meet the required level of emissions reduction, by 2030 it is required to increase electricity generated from renewable sources to 70% including up to 1.5 GW of grid scale solar energy (indicative figure).

7.5. Energy Security in Ireland to 2030 – Energy Security Package (November 2023)

- 7.5.1. This document is centred on continuing the progress and actions undertaken by government to strengthen Ireland's approach to risk and resilience in terms of energy security and seeks to contribute to achieving a more secure, sustainable and affordable energy system for the country.
- 7.5.2. The document includes 28 actions and focuses on achieving security through an electricity led system which maximises our renewable energy potential. Action 11 seeks to ensure a fit-for-purpose electricity grid that supports Ireland's energy and climate ambition, and it is noted that extensive reinforcement and expansion of the whole electricity transmission and distribution network will be critical to meeting our objective to decarbonise the economy through greater electrification.

7.6. National Energy Security Framework (April 2022)

- 7.6.1. The National Energy Security Framework was prepared and adopted specifically in response to the situation in Ukraine and the implications for security of the EU and Ireland's national energy security. The Framework notes that the level of dispatchable electricity generation capacity (i.e. capacity that does not rely on wind or solar energy) needs to increase significantly over the coming years due to reduced reliability of existing plants, anticipated new power stations not being developed as planned, expected strong growth in demand for electricity, and the closure of existing generation.

7.6.2. The Commission for Regulation of Utilities, which has statutory responsibility for ensuring security of electricity supply, is managing a programme of work to address this challenge. This includes a programme of actions for the security of electricity supply.

7.7. Policy Statement on Security of Electricity Supply (November 2021)

7.7.1. Maintaining the security of electricity supply is considered a priority at national level and within the overarching EU policy framework in which the electricity market operates. It is expected that most renewable energy generated by 2030 will be from wind and solar.

7.7.2. As more wind, solar, storage and interconnection is added to the system, conventional generation is expected to operate less, but sufficient conventional generation capacity will still be required. This conventional generation will spend much of its time in reserve for when needed – e.g., when required to balance the system in times of high demand and low wind/solar generation.

7.8. The Government has considered it 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.

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

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

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

7.10.1. This White paper on Energy policy published by the Department of Communications, Energy and Natural Resources in December 2015 sets out a vision to reduce greenhouse gas (GHG) emissions by between 80% and 95% compared to 1990 levels, by 2050, falling to zero or below by 2100. It states that as new energy solutions such as bioenergy, solar photovoltaic and offshore energy mature and become more cost effective they will be included in the renewable energy mix. The policy document recognises that solar photovoltaic technology is rapidly becoming

cost competitive for electricity generation and that the deployment of solar power in Ireland has the potential to increase energy security, contribute to our renewable energy targets and support economic growth and jobs.

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

- 7.11.1. In this policy statement the Government acknowledges the essential need to meet the demand for energy in a safe, secure and continuous manner as it is the lifeblood of the economy and society. It reaffirms the need for development and renewal of the energy networks, in order to meet both economic and social policy goals.
- 7.11.2. The Government endorses, supports and promotes the strategic programmes of the energy infrastructure providers, particularly EirGrid's Grid 25 investment programme across the regions. The benefits are identified as securing electricity supply to homes, businesses, factories and farms; underpinning sustainable economic growth in the regions and enabling Ireland to meet its renewable energy targets.

Regional Policy

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

- 7.12.1. The Regional Strategic Outcomes contained in the Strategy include 'Support the Transition to Low Carbon and Clean Energy' (RSO 9) and 'A Strong Economy supported by Enterprise and Innovation' (RSO 12).
- 7.12.2. Chapter 10 of the RSES deals with infrastructure and Section 10.3 relates to Energy. The goals include support for the development of a safe, secure and reliable supply of electricity and the development of enhanced electricity networks as well as new transmission infrastructure projects that might be brought forward in the lifetime of this plan under EirGrid's (2017) Grid Development Strategy will serve the existing and future needs of the Region and strengthen all-island energy infrastructure and interconnection capacity.
- 7.12.3. Regional Policy Objectives RPO 10.20, 10.22 and 10.23, support the development and strengthening of the electricity network.

Local Policy

7.13. Development Plan

7.13.1. The Offaly County Development Plan 2021-2027 is the relevant policy document pertaining to the subject site and development. Chapter 3 of the plan relates to Climate Action and Energy, with Section 3.8 relating to Climate Action and Energy Policies and Section 3.9 Climate Action and Energy Objectives.

7.13.2. The plan includes a number of policies and objectives which support and promote the development of renewable energy including as follows:

Policies:

- **CAEP-01:** It is Council policy to support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid, including the development of new lines, pylons and substations as required to provide for the future physical and economic development of Offaly.
- **CAEP-02:** It is Council policy to require that, in all new developments, local services such as medium and low voltage electricity cables shall be undergrounded, with multiple services accommodated in shared strips underground and that access covers are shared, whenever possible.
- **CAEP-25:** It is Council policy to encourage and facilitate the production of energy from renewable sources, such as from bioenergy, waste material, solar, hydro, geothermal and wind energy, subject to proper planning and environmental considerations.
- **CAEP-34:** It is Council policy to promote the development of solar energy infrastructure for on-site energy use, including solar PV, solar thermal and seasonal storage technologies subject to environmental safeguards and the protection of natural or built heritage features, biodiversity views and prospects.
- **CAEP-35:** It is Council policy to ensure that the assessment of solar farm proposals will have regard to:

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

Objectives:

- **CAEO-01:** It is an objective of the Council to implement the current Climate Change Adaptation Strategy for County Offaly.
- **CAEO-02:** It is an objective of the Council to consider a variation of the development plan within a reasonable period of time, or to include such other mechanism, as may be appropriate, to ensure that the development plan will be consistent with the approach to climate action recommended in the revised Development Plan Guidelines as adopted or any relevant guidelines.
- **CAEO-03:** It is an objective of the Council to achieve a reasonable balance between responding to government policy on renewable energy and in enabling the wind energy resources of the county to be harnessed in an environmentally sustainable manner.

7.13.3. Chapter 13 of the CDP deals with Development Management Standards and includes for solar farms at DMS-110 Solar Farms.

7.14. Natural Heritage Designations

7.14.1. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Clonaslee Eskers and Derry Bog SAC (00859) which is located approximately 7.5km to the east of the site. In addition to the above, the following sites are located within 15km of the proposed development site:

Site Name	Site Code	Distance & Direction from site
Slieve Bloom Mountains SAC	000412	9.2km to the south east
Island Fen SAC	002236	12.3 to the south west
Ferbane Bog SAC	000575	13.3km to the north
Moyclare Bog SAC	000581	13.7km to the north west
Ridge Road, SW of Rapemills SAC	000919	13.9 to the west
Middle Shannon Callows SAC	000216	14.4km to the north west
All Saints Bog & Esker SAC	000566	14.5 to the west
Slieve Bloom Mountains SPA	004160	7.6km to the east
Dovergrove Callows SPA	004137	13km to the west
Middle Shannon Callows SPA	004096	14.4km to the north west
All Saints Bog & Esker SPA	004103	14.9 to the west

8.0 EIA Screening

- 8.1.1. Section 5 of the Planning and Environmental Report submitted with the application relates to EIA screening. The report notes that the permitted PV solar farm and the proposed 110kV substation and compound development the subject of this application, does not fall into a class of development set out in Schedule 5, Part 2 and 2 of the Regulations and does not require a mandatory EIA. The report also notes the precedent of previous An Bord Pleanála decisions in such matters. The submitted report further considers the proposed development in the context of sub-threshold EIA screening and includes screening of the proposed development with regard to the criteria set out in Schedule 7 and Annex II of the 2014 Directive.
- 8.1.2. As noted by the applicant, the prescribed classes of development and thresholds that trigger a mandatory EIS are set out in Schedule 5 of the Regulations. The only classes that I consider to be of potential relevance to the proposed development are as follows:

- Schedule 5, Part 1, Class 20: Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
- Schedule 5, Part 2, Class 3(b): Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.

8.1.3. An electrical substation is not a class of development contained in Parts 1 or 2 of Schedule 5 of the Regulations. I further note that the proposed development does not include the construction of any overhead power lines, and that the underground cables will provide a connection between the proposed substation and the existing 110kV line which lies approximately 50m to the south western area of the proposed substation compound. As such, the proposed development would not come within either of the classes listed above.

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

8.1.5. The Board, in its S182E pre-app consultation on the proposed development agreed with this conclusion.

8.1.6. The Planning and Environmental Report submitted by the applicant in support of the proposed development includes a consideration of some of the key characteristics of the proposed development with respect to drainage, ecology, archaeology and visual impact. These matters will be discussed further in Section 8 of this report as part of the planning assessment.

9.0 Oral Hearing

No party made a request for an oral hearing, and as such, there is no requirement for a decision in this instance.

10.0 Planning Assessment

10.1. Introduction

- 10.1.1. The purpose of the proposed substation and associated works is noted to be required for a recently permitted solar energy project in Co. Offaly, which is to be known as Kilcormac Solar Farm. The site of the solar farm extends over an area which covers approximately 142.31ha in three pockets in the townlands of Dovehill, Gortnamuck, Curraghmore (Eglis By) and Freagh, Co. Offaly, including the one adjacent to the substation site in the townland of Freagh and two further parcels to the west of the current site. This permitted solar farm will have a provisional maximum installed capacity of approximately 150MW.
- 10.1.2. There is an existing 110kV electricity line which traverses the site in a west to east direction and it is proposed that the substation will connect to this line. The line runs to the south of the proposed substation. The need for the proposed development is to connect the solar farm to the National Grid.
- 10.1.3. The submitted Planning and Environmental Report includes details of both aspects of the development, including the solar farm, noting that two separate applications were required. It would appear that one Planning & Environmental Report was prepared for the full development, including both aspects. The technical reports submitted also consider the combined effects of the developments. As such, while I may make reference to the solar farm element in my assessment, I propose to focus on the proposed substation and ancillary associated works which are the subject of this S182A application.
- 10.1.4. I consider that the main issues in respect of the planning assessment are as follows:
- Principle and planning policy
 - Flooding & Surface Water Management
 - Biodiversity & Ecology
 - Roads, Traffic & Transport
 - Residential Amenity
 - Archaeology & Cultural Heritage

- Landscape & Visual Impacts
- Othe Issues

10.1.5. Matters relating to AA will be considered separately under Section 11 of this report.

10.2. Principle and Planning Policy

10.2.1. The proposed development, comprising the construction of a 110kV substation and associated infrastructure in the townland of Freagh, Co. Offaly, is required in order to connect a permitted solar PV farm to the national grid. Once completed, the substation will be transferred to EirGrid and will form part of the national transmission network. In terms of the principle of the proposed development, I would acknowledge that the proposed development is associated with a renewable energy project, and therefore, is supported by European, national, regional and local policy.

10.2.2. EU Directive 2009/28/EC set a target of 20% of EU energy consumption to be provided from renewable sources and a cut in greenhouse gas emissions of 20% by 2020. Irelands target under the legal provisions of this Directive was 16%. The ECs adoption of the Energy Roadmap 2050 commits to reducing GHG emissions to 80-95% below 1990 levels by 2050, with the aim that Europe would be almost carbon free in terms of energy production by this year. The Repower EU PLAN, published in May 2022, sets out the EU response to the effects of the global energy market disruption experienced following the invasion of Ukraine by Russia. These events resulted in the EU requiring member states to accelerate the transition to green energy to reduce emissions and dependency on fossil fuels. In this regard, I am satisfied that the proposed development accords with stated European policy.

10.2.3. Project Ireland: The National Planning Framework, published in 2018 is a high-level strategic plan that sets out a vision for Ireland to 2040, expressed through ten National Strategic Outcomes (NSOs). NSO no. 8 is relevant to the subject application as it seeks the transition to a low carbon and climate resilient society. It is a stated action of this NSO to reinforce the distribution and transmission network to facilitate planned growth and distribution of a more renewables focused source of energy across the major demand centres. In addition, National Policy Objective 55 seeks to promote renewable energy use and generation at appropriate locations.

- 10.2.4. The Regional Spatial & Economic Strategy for the Eastern and Midland Regional Assembly reflects the national policy stance and include suite of Regional Strategic Outcomes which support the transition to low carbon and clean energy (RSO 9). Section 10.3 of the RSES include goals to develop enhanced electricity networks as well as new transmission infrastructure projects (Regional Policy Objectives RPO 10.20, 10.22 and 10.23 refer).
- 10.2.5. In addition to the above, the proposed development is supported in principle by the Climate Action Plan 2023, which aims to dial up to 8GW solar by 2030 (CAP 23 refers) and a suite of other national documents relating to energy security and the transition to renewable energy sources. I am satisfied that the proposed development accords with national and regional policy requirements.
- 10.2.6. The subject site lies within the jurisdiction of Offaly County Council and the Offaly County Development Plan 2021-2027 is the relevant policy document pertaining to the subject site and development. Chapter 3 of the plan relates to Climate Action and Energy, with Section 3.8 relating to Climate Action and Energy Policies and Section 3.9 Climate Action and Energy Objectives. The plan includes a number of policies and objectives which support and promote the development of renewable energy including CAEP-07, CAEP-02, CAEP-25, CAEP-34, CAEP-35, and objectives CAEO-01, CAEO-2, CAEO-3.
- 10.2.7. The site lies within a rural area, outside the settlement boundaries of Kilcormac, which lies approximately 1.5km to the north east of the site, on unzoned lands, currently in agricultural use. The wider area comprises low density dispersed housing along the local roads, with the closest residential property located approximately 120m from the boundary of the site of the proposed substation, and the closest house a further c200m from the proposed development site. The Board will note that since the submitting of this application, a 10-year planning permission has been granted for the Kilcormac Solar Farm in the vicinity of the substation site, and which will be served by the proposed development.
- 10.2.8. The Board will note that the local authority has raised no objections to the proposed development, and while I will address the archaeological matters further below, I note no significant issues arise in terms of roads and traffic matters. The proposed development is supported by policy at all levels, as detailed above in Section 5 of

this report. Given the rural aspect of the site location, together with the separation distances from existing residential properties and the recent grant of planning permission for the solar farm in the vicinity of the site, I am satisfied that that the location of the proposed substation is acceptable and would accord with the principles of proper planning and sustainable development, subject to the consideration of the following planning matters.

10.3. Flooding & Surface Water Management

- 10.3.1. Chapter 6 of the submitted Planning & Environmental Report relates to drainage and water quality and the Board will note that a Flood Risk Assessment was also prepared in support of the proposed development. The site is not bound by any watercourse and is generally flat and level, with a topographical fall towards the north. The P&E Report indicates that drainage in the area of the proposed development is to the north, and into the existing drainage network along the N52. The site overlies an area of moderate groundwater vulnerability and a regionally important aquifer. The bedrock comprises Viséan Limestones and the subsoils are made up of typically well drained deep mineral soils (BminDW) and poorly derived from mainly basic parent material (BminPD). No karst features were identified in the vicinity of the site.
- 10.3.2. In terms of potential flood risk, there are no recorded flood events within the proposed development site. The closest events noted to have occurred in Kilcormac in 1995, approximately 1.3km to the north east of the site. The FRA includes a detailed analysis of the likelihood of flooding at the site using hydraulic modelling in Section 4 of the document which covers the wider site area (including the solar farm) and much of the FRA relates to the potential risk associated with the Kyleboher River, which lies to the south and west of the current proposed substation site².
- 10.3.3. The OPW records indicate that the substation site lies outside any area at risk of fluvial or pluvial flood events and the subject site overlies an area where no groundwater flood risk was identified. As such, the site of the proposed substation is located within Flood Zone C and is considered to be at low risk for flooding. In terms

² The Board will note that areas of the proposed solar farm lie within Flood Zone A and B and at risk of fluvial flooding from the Kyleboher River. These matters were addressed as part of the application for the solar farm by Offaly County Council.

of the Planning System and Flood Risk Management Guidelines, a substation development constitutes a 'highly vulnerable development' and under the Justification Test, such projects are deemed to be 'appropriate' in Flood Zone C. Mitigation measures are not required for the proposed development.

- 10.3.4. Having regard to the development proposed and to the information presented and available, I have no objection to the location of the proposed substation development at this location in terms of flood risk. I am further satisfied that if constructed, the development would not give rise to any significant residual flood risk issues and would not exacerbate the flood risk of other lands.
- 10.3.5. The proposed development will give rise to an increase in hardstand areas within the existing site. The submitted CEMP Report includes drainage proposals for the construction, operation and decommissioning phases of the development, and it is noted that the development will have a storm water and foul water network, which will include an underground surface water pipe system and permeable road surface which will allow water to permeate to the soil. The system will accord with SuDs best practices and will include rainwater harvesting tanks, and a foul system to serve the sanitary facilities within the station. I am satisfied that the proposals for the management of surface water at the site are acceptable and that appropriate best practice mitigation measures are identified.

10.4. Biodiversity & Ecology

- 10.4.1. An Ecological Impact Assessment (EclA) and an Aquatic Ecological Impact Assessment (AEclA) were carried out for the proposed development. The subject is also addressed in Section 7 of the submitted P&E Report. The applicant also carried out an Appropriate Assessment Screening which will be discussed further below in Section 9.0 of this report.
- 10.4.2. The Ecological Impact Assessment report sets out the methodology employed in the preparation of the report and includes details of the legislative context, consultation and identifies the zone of influence as 15km. The desktop study identified the NHAs and pNHAs within 10km of the site, as well as the Natura 2000 sites within 15km. The field assessment included a site walkover in January and August of 2022 and

the findings are detailed in the EclA. The site does not lie within any designated site and no habitats that conform to Annex I of the Habitats Directive were found.

- 10.4.3. The primary habitats of the proposed substation site are identified as improved agricultural grassland, with hedgerows and treelines forming the field boundaries. Drainage ditches are also identified just outside of the red line boundary. In terms of biodiversity, the hedgerows, treelines and drainage ditches were identified as a key ecological receptor at local level. The development if permitted, will result in the loss of part of these habitats.
- 10.4.4. The EclA includes details of bird species known to frequent the area as well as the record of species recorded during the site visits. A total of 18 bird species were recorded during the winter survey and included a number of small flocks of Redwing (3 – 7 birds) which are a red-listed species, as well as one Greenfinch, an amber-listed species. The remaining species were green-listed and it is submitted that all species are likely to use the hedgerows, treelines and blocks of woodland on the site. Black-headed Gull are identified as potentially foraging within the agricultural habitats, but the value of the habitat is limited. Yellowhammer and Greenfinch are also identified as potentially breeding and/or foraging within hedgerows and treelines.
- 10.4.5. An assessment of mammals found two live Irish Hare, outside the development site, and fox hair on the western site boundary. A number of other mammals have been previously recorded at the site, including hedgehog, Irish stoat, pygmy shrew, pine marten and red squirrel, but none were found during the surveys. Badger and Otter have also been known to frequent the site but there was no evidence of either during the surveys.
- 10.4.6. In terms of bats, numerous mature trees were identified as having low potential as roosts due to growths of ivy and only 5 trees, located along the site boundary, were identified as having moderate bat roosting potential. These trees are to be retained as part of the proposed development. The hedgerows provide suitable foraging habitat for bats and three species are noted to have been recorded within 10km of the site.
- 10.4.7. In terms of potential impacts, construction will take place outside of bird breeding season and overall, it is considered that this phase of the development, if permitted

will result in a negative, temporary and reversible impact in the local context. The loss of treelines and hedgerows will be negative, irreversible and slight in the local context in terms of mammals and bats, while the drainage ditches may have limited potential for breeding frogs, with a negative, reversible moderate impact in the local context.

- 10.4.8. During the operational phase, the potential impact on flora, habitats, avifauna and non-volant mammals is deemed to be imperceptible and no different to the current level of human activity associated with agricultural practices within the site. The potential impact on bats, in terms of light disturbance, is assessed to be negative, reversible, short-term and moderate in the local context. As the substation will form part of the national grid and will be left in-situ, no decommissioning impacts are envisaged.
- 10.4.9. The Aquatic Ecological Impact Assessment (AEcIA) considers the proposed substation as well as all elements of the solar farm and includes a cumulative impact assessment for both. The document sets out the methodology and legislative context for the proposal and presents details of the field study undertaken in August 2021. The focus of this study is on the watercourse which affect the central and western areas of the overall solar farm site and the Board will note that there is no survey location opportunity noted within the currently proposed substation site. The report notes that there were no flowing watercourses and drains were dry on the date of the site survey. As such, this area of the overall development area is considered to have the least tenuous and ephemeral connectivity to the Kyleboher tributary. That said, the site remains connected to the Silver River, located approximately 2.7km to the north, via low-gradient field boundary drains that partially dry out. The WFD status of these river water bodies are identified as being good (Silver) and moderate (Kyleboher).
- 10.4.10. Section 4 of the AEcIA sets out the potential impacts associated with the proposed development, noting that its construction will comprise part of Phase 1 of the wider overall solar farm development. The potential sources of impact of the construction phase of the proposed substation, in terms of aquatic receptors, are noted to include suspended solids, cement, hydrocarbons and the introduction of invasive alien species. The potential impacts are noted to be imperceptible or not significant and neutral. In terms of the introduction of alien species, and in particular

crayfish plague, it is considered that the potential is very low given that the pathways between the site and the Silver River are not continuous as the drains dry out. During the operational phase of the development, the potential impact is considered to be neutral as any maintenance of infrastructure will not include watercourse interactions.

10.4.11. In terms of a cumulative impact with the wider solar farm development, the AEClA considers there is potential for elevated suspended solids to enter the Kyleboher tributary, and ultimately the Silver River, during Phase 1 of the development which will include the substation and the solar farm arrays within the eastern parcel and central parcel. In the absence of best practice and good construction phase management, it is considered that at worst, the potential for in-combination effects to be temporary and slight negative. It is further submitted that the quantities of sediment reaching the Silver River, due to the attenuation capacity in the Kyleboher drain network, will be low and minor compared to the regular activities which involve forestry and ploughing.

10.4.12. Best practice mitigation measures are identified in terms of water quality, habitats and flora, birds, terrestrial mammals, bats and other taxa in both the EClA and the AEClA. I am satisfied that the measures proposed will adequately and appropriately address any potential impacts on biodiversity. In addition, I note the recommendations to appoint an Ecological Clerk of Works to oversee the proposed works and the implementation of the mitigation measures identified. In this regard, and subject to compliance with said measures, I am satisfied that the proposed development will not have a significant effect on the biodiversity of the area.

10.5. Roads, Traffic & Transportation

10.5.1. The proposed development site will be accessed via an existing agricultural entrance onto the L6042 'Rath Road'. It is proposed that this entrance will be widened and will serve as access to the substation as well as the permitted solar farm in this area. As such, permission has been granted for the development of this access point. The assessment of the permitted solar farm included a consideration of the construction routes and traffic generated, including haul routes from the port of entry via the M6. The Board will note that the submitted CEMP and the Planning and Environmental

Report has assessed the potential effects of the substation construction in conjunction with the development of the solar farm. The sole access to the proposed substation will be via the permitted access to the eastern parcel, while the main entrance to the wider solar farm is noted to be located at the Western parcel.

- 10.5.2. The access to the substation has been designed to provide the required sight distances and subject to accommodation works and periodic hedgerow maintenance, the access is considered to conform to TII design standards.
- 10.5.3. Section 8.2 of the P&E Report deals with the installation and operational phase traffic associated with the proposed substation, noting that the substation will be constructed within the initial stages of the project development. It is estimated that the construction period for this element of the wider solar farm will comprise 12 months and that the development of the solar farm elements will also commence within this period. The additional traffic generated by the proposed substation development will include heavy goods vehicles, the movement of larger equipment necessary for the construction works, fuel trucks and light goods vehicles which will include the vehicles of workers involved in the construction.
- 10.5.4. During peak construction, it is estimated that the average workforce of 10 will increase to 15, and that overall, the construction of the substation will give rise to an additional 2,543 HGV trips over the 12-month period, equating to approximately 5 additional daily HGV trips on the local road network. In addition, it is estimated that an average of 27 additional daily LGV trips will arise due to the construction of the substation. In total, it is predicted that an additional 32 daily trips will arise as a result of the construction of the substation on the local road network. The information presented in Section 8.2 of the P&E report, Table 8-5 refers, indicates that the percentage increase of traffic on the M6 and the N52 will be 0.39% and 1.59% respectively.
- 10.5.5. While there will be potential for an effect on the local road network during the construction of the project, I am satisfied that any impacts will be for a short period of time and will not be so significant, as to give rise to any significant concerns in terms of the carrying capacity of the road network. A suite of best practice mitigation measures is included, and I am further satisfied that the development shall be

subject to a Traffic Management Plan during the construction period which will minimise the impacts on local road users and residents in the area.

- 10.5.6. During the operational phase of the substation, it is noted that the site will be monitored remotely, with monthly maintenance anticipated. This would equate to an average of 5-6 visits per month with negligible impact on the local road network.
- 10.5.7. Based on the information presented, I am satisfied that the proposed development, together with the proposed solar farm development, will not give rise to a traffic hazard, will not endanger the safety or other road users during the construction and operational phases, and the increase in traffic movements on the local road network as a result of the development is not so significant as to have a negative impact. I have no objections to the proposed development in terms of roads, traffic and transportation.

10.6. Residential Amenity

- 10.6.1. The proposed development is to be located on greenfield agricultural land, and therefore, will change the existing use of this site. The residential element of this rural location comprise one off houses located along the road network with the village of Kilcormac located approximately 1.5km to the north east. The construction of the substation will result in the widening of an existing agricultural access and the removal of a small length of existing hedgerow. While there will be a visual impact associated with the substation due to the overall height of the infrastructure installations proposed, the retention of the boundaries will serve to preserve natural screening from adjacent residential properties.
- 10.6.2. There are no significant recreational features or tourist attractions in the immediate area of the site and in terms of the existing air quality, the site is located within Zone D in the Rural Midlands and is deemed to be class 3, Good. The construction phase of the development may have an impact in terms of elevated dust emissions. Mitigation measures are proposed within the CEPM to reduce dust nuisance and to minimise impacts on air quality during the construction phase, with minimal impacts resulting.
- 10.6.3. Section 10 of the P&E Report deals with noise and vibration. This chapter of the report deals with all aspects of the proposed solar farm development as well as the

proposed substation, the subject of this application. The site lies within an area where the main existing noise sources include traffic from the surrounding roads and agricultural plant and machinery. In the absence of specific statutory guidance in Ireland relating to noise limits and appropriate noise emission criteria, the assessment refers to BS 5228-1:2009+A1:2014 '*Code of Practice for Noise and Vibration Control on Construction and Open Sites – Noise*'.

10.6.4. The background and ambient noise levels are deemed to be low in the area, and based on a low baseline noise level - where the baseline noise environment is less than BS 5228 Category A – a construction noise threshold limit of 65dB during weekdays is applicable. Table 10-5 of the P&E Report set out the typical noise levels during the construction of the substation with the predicted noise levels at the nearest sensitive receptor all below the 65dB limit. In addition, Table 10-6 sets out the likely plant and predicted noise levels associated with the grid connection works between 10 and 100m of the activity, where some exceedances are noted, but all within 50m of the activity. These exceedances are noted to be associated with specific, short-term activities such as cutting concrete slabs and tipping fill from dump trucks. Overall, and having regard to the information submitted, I am satisfied that the potential for noise and vibration effects arising from the proposed substation have been adequately considered and are unlikely to give rise to any significant nuisance issues in terms of residential amenity.

10.6.5. I note that the nearest residential property boundary lies approximately 120m from the proposed substation site. In addition, I note no third-party observations were submitted to the Board in terms of the proposed development. Should the Board be minded to grant permission for the substation in this instance, I consider it appropriate that a condition be included requiring the implementation of the mitigation measures included in the CEMP and the P&E Reports. I am satisfied that the development, if permitted is unlikely to result in any significant adverse impacts on existing residential amenity during the operational phase.

10.7. Archaeology & Cultural Heritage

- 10.7.1. The applicant submitted an Archaeological Assessment, prepared by John Cronin & Associates and dated June 2023, with the application for permission. Chapter 11 of the P&E Report also deals with Cultural Heritage, which includes archaeology. The Cronin report notes that the site of the proposed substation has been previously assessed as part of the solar farm development and the report identifies the study area to comprise the internal area of the proposed substation combined with the lands extending for c1km from the outer boundaries of the site.
- 10.7.2. The initial report identifies six recorded archaeological sites, none of which are located within the substation site. Ultimately, the initial conclusions were that there are no recorded archaeological sites within the proposed development area. However, the lands were considered to possess a moderate to high archaeological potential. Mitigation measures were recommended in terms of a pre-development programme of geophysical surveys under licence from the NMS to be carried out in all suitable green field locations within the proposed development site. A programme of targeted pre-development archaeological test trenching should follow, again under licence, where extensive sub-surface excavation works are required. The report recommended that these measures be undertaken post planning consent and in advance of the construction phase to ensure adequate time for processing licences, completion of investigations, compilation of reports and further consultations if required.
- 10.7.3. On receipt of the report, the DAU considered that the approach proposed was not adequate and further information was required with regard to the archaeology of the site. In particular, a potential earthwork feature was identified in the LiDAR to be located within the northern half of the proposed development site, and required further investigation, in advance of a grant of permission.
- 10.7.4. The applicants' response acknowledged the concerns of the DAU and a supplementary archaeological assessment was submitted to address these concerns. A further desk top study and site survey were undertaken to examine the specific area referred to by the DAU which has a potential low-relief earthwork. The lands are crossed by a number of low relief linear earthworks which are determined to be likely related to levelled field boundaries and drainage channels. In addition, a

number of low relief irregular and subcircular earthworks were also noted. The site survey noted that the conditions were very wet and marshy with undulating topography and field drains. The subcircular feature identified, following a series of aerial traverses by a drone, is noted to be common to the wider area and it is considered to be of natural / glacial origin rather than a site of archaeological interest. The report concludes that the feature is a natural surface feature and that the proposed programme of pre-development archaeological investigations recommended post consent will ultimately determine if the feature is of any archaeological significance.

- 10.7.5. Having regard to the information presented, and having undertaken a site inspection, I am inclined to concur with the applicant in this instance. The potential for archaeological interest arising at the site has been clearly considered, with the site being afforded a moderate level of archaeological potential. The mitigation measures submitted correlate with the requirements of the DAU and I am satisfied that pre-development surveys and testing where appropriate under licence is a reasonable condition of planning permission, should the Board be so minded to grant permission for the proposed substation.

10.8. Landscape & Visual Impact

- 10.8.1. Chapter 11 of the submitted Planning and Environmental Report deals with Landscape and Visual and the Board will noted that a Landscape and Visual Impact Assessment was also carried out with regard to the proposed development. A suite of photomontages is also included by the applicant. The LVIA uses a 5km radius study area with a particular focus on receptors within 2km, except where iconic or designated scenic viewpoints exist at greater distances to 5km.
- 10.8.2. The subject site lies within an area of County Offaly which has been categorised as having low sensitivity. The current County Development Plan 2021-2027, at Table 4.18 indicates that such landscapes are 'robust landscapes which are tolerant to change, such as the county's main urban and farming areas, which have the ability to accommodate development'. The Plan acknowledges that these areas can absorb quite effectively, appropriately designed and located development in all categories

(including telecommunication masts and wind energy installations, afforestation and agricultural structures).

- 10.8.3. In addition to the above, there are areas of high amenity located to the north of the N52, comprising the Lough Boora Discovery Park and the upland area of the Slieve Bloom Mountains to the south of the proposed development site and on the border with County Laois. These high amenity areas are noted to have a high landscape sensitivity. Key Scenic Views and Prospects are detailed in Table 4.21 of the Plan which includes V5 – N52 in the townlands of Heath, Bunaterin, Derrydolney, Ballywilliam, Curraghmore, Ballynacard, Bally na Curra, with views to the Slieve Bloom Mountains. It is the stated policy of the Plan, BLP-43 refers ‘to require a Landscape/Visual Impact Assessment to accompany significant proposals that are likely to significantly affect Key Scenic Views and Prospects as listed in Table 4.21 and Key Amenity Routes as listed in Table 4.22’.
- 10.8.4. Having undertaken a site inspection, and considering the information submitted including the Zone of Theoretical Visibility Map at 5km and the Digital Surface Model, based on the ZTV map at 2km, I would concur that the location of the proposed substation generally accords with the low sensitivity classification. In addition, I note that planning permission has been granted for a wind farm development to the west of the site as well as the recently permitted solar farm on the surrounding land.
- 10.8.5. The existing field and roadside boundaries generally restrict any significant views into the site. The LVIA concludes that the magnitude of the impact on the landscape associated with the development is ‘Medium’ within the immediate vicinity of the development. Beyond 1km from the site, this impact reduces to ‘Low’ and ‘Negligible’. I would concur with this assessment.
- 10.8.6. In the context of the rural landscape, which comprises flat to low rolling fields with a high proportion of hedgerows forming boundaries, I would accept that the proposed development will be most visible in the local context. The mitigation measures proposed primarily relate to supplementing the existing hedgerows to reduce the visual impact of the solar panels. The proposed substation will occupy a site area of 2.72ha and will include a switchgear room and the main substation building which will rise to 8.7m in height, 7 no. lighting masts at 18m and a telecoms pole of 20m. Two no. 16m high mast structures are also proposed which will link the proposed

substation to the adjacent existing overhead 110kV transmission line. All of these elements will be constructed within the compound which will be almost centrally located within the northern area of the eastern parcel.

- 10.8.7. The submitted LVIA selected 18 Viewshed Reference Points (VRPs) in order to assess the visual impacts associated with the proposed development. These VRPs are located primarily along the N52 to the north of the site, and along the L6042 local road to the south of the site (and from which the access to the site will be). The Board will note that the focus of the submitted visual impact assessment relates to the permitted solar farm with the 4 VRPs identified as registering residual visual impacts (VRP 11, 13, 17 & 18) primarily relating to the solar panels within the western and central parcels. In the context of the proposed substation however, I consider that views from VPR 4, 6 and 10 comprise the views which best depict the substation.
- 10.8.8. I would acknowledge that there is already an electrical infrastructure presence in this area of Offaly, with the existing 110kV lines traversing the site. The proposed substation development will represent an intensification of this presence and I note the intention to transfer the substation on completion to EirGrid or ESB Networks and as such, it is unlikely that it will be decommissioned once constructed.
- 10.8.9. In terms of visual impacts, I would note that in the absence of mitigation, the substation and associated infrastructure will be visible from a small number of viewpoints. I consider that the views from VRPs 4, 6 and 10 are the most prominent, however, I do not consider that the impact is so significant, even without mitigation measures proposed, as to warrant a refusal of permission on the grounds of visual impacts, or detract from the landscape character of the area. In addition and having regard to the planning history of the immediate and wider area, I am satisfied that the cumulative visual impact of the proposed substation is not so significant as to be unacceptable. Subject to the implementation of the landscaping proposals detailed in the submitted Landscape and Visual Impact Assessment report, I am satisfied that the proposed development is acceptable and would not have an undue impact on the landscape character or the visual amenities of the wider area.

10.9. Other Issues

10.9.1. Duration of permission

The Board will note that the applicant has sought a 10-year permission for the construction of the substation. The purpose of this request is to align with the 10-year permission sought for the solar farm from Offaly County Council and to facilitate the achieving of a suitable connection to the electricity grid network from EirGrid or ESB Networks. The grid connection application cannot be lodged until such time as the solar farm component has been granted planning permission and the final grant has been received.

While I would acknowledge that the proposed development is not of a scale or complexity that might require a 10-year permission, I would note that the Board has granted 10-year permissions for similar development which had similar circumstances in terms of connections of permitted and future renewable energy projects to the national grid. I have no objection in this regard.

10.9.2. Decommissioning of Substation

It is noted that the substation, once completed, will be handed over to EirGrid and will form a part of the national electricity transmission network. As such, I do not consider it necessary to attach a decommissioning and reinstatement condition to any grant of permission.

10.9.3. Development Contributions and Bonds

The Board will note that Offaly County Council, in their submission on the proposed development advised that the development is subject to the provisions of the Offaly County Council Development Contribution Scheme 2021 – 2025. I also note that the applicant has advised no objections to the inclusion of such conditions in a grant of permission.

Section 27 of the Scheme sets out exemptions and reductions for certain types of development. I am satisfied that the proposed development would not fall under any of the exemptions listed. As such, should the Board be minded to grant permission, I recommend that a suitably worded condition be attached requiring the payment of a section 48 Development Contribution in accordance with the Acts.

Further to the above, the Board will note that Offaly County Council has not sought that any special contribution be imposed in this instance. I would agree that a special contribution is not warranted having regard to the scale and nature of the proposed development.

Offaly County Council has not requested that a cash deposit or bond be imposed by way of condition to cover damage to the public roads. I do note however, that Offaly County Council has included a condition requiring the lodging of such bond in its grant of planning permission for the solar farm development. Given the nature of the proposed development, the Board may wish to consider the inclusion of such a condition in the event of a grant of permission issuing.

10.9.4. **Community Gain**

With regard to community gain, I note that Offaly County Council has included a condition to this effect in its decision to grant planning permission for the wider solar farm. Reference to Community Gain in their submission on the proposed substation applies to the solar farm only.

Having regard to the nature and purpose of the proposed substation development, and the fact that it will be transferred to EirGrid upon completion and will operate as part of the national electricity transmission network, I am satisfied that a community gain condition would be warranted in this instance.

11.0 Appropriate Assessment

11.1. Introduction

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

11.2. Compliance with Article 6(3) of the EU Habitats Directive

11.2.1. The site is not located within any designated site. The closest Natura 2000 site is the Clonaslee Eskers and Derry Bog SAC (00859) which is located approximately 7.5km to the east of the site. In addition to the above, there are a further 12 Natura 2000 sites located within 15km of the proposed development site.

11.2.2. The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas collectively referred to as Natura 2000 (or 'European') sites.

11.2.3. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The proposed development is not directly connected with or necessary to the management of a European site. In accordance with these requirements the Board, as the competent authority, prior to granting a consent must be satisfied that the proposal individually or in combination with other plans or projects, is either not likely to have a significant effect on any European Site or adversely affect the integrity of such a site, in view of the site(s) conservation objectives.

11.2.4. Guidance on Appropriate Assessment is provided by the EU and the NPWS in the following documents:

- Assessment of plans and projects significantly affecting Natura 2000 sites – methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001).

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG), 2009.

11.2.5. Both documents provide guidance on Screening for Appropriate Assessment and the process of Appropriate Assessment itself.

11.3. Background to Application

11.3.1. The subject application for permission, to construct a 110kV Substation at Kilcormac, Co. Offaly, included an Appropriate Assessment Screening Report. This report was prepared by Fehily Timoney and is dated June 2023.

11.3.2. The report has been prepared in accordance with the relevant guidelines and provides sets out the assessment protocol which includes a description of the project and the associated likely environmental impacts, the details of the European Sites which fall within the Zol of the project and a consideration of the likely significant effects, on its own and in combination with other plans and projects. It is further noted that field surveys were undertaken in the preparation of this AA Screening Report, in January and August 2022. An Ecological Impact Assessment and an Aquatic Ecological Impact Assessment also accompanied the application.

11.3.3. The report concluded that the proposed development of a substation at this location is not likely to have significant effects to the Natura 2000 network, either alone or in combination with other plans and projects. Having regard to the information presented, together with the full suite of documents submitted as part of this application, I am satisfied that adequate information is provided in order to screen for Appropriate Assessment.

11.4. Screening for Appropriate Assessment

11.4.1. The purpose of AA screening, is to determine whether appropriate assessment is necessary by examining:

- a) whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and

- b) the likely effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives and considering whether these effects will be significant.

11.4.2. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. There are 12 Natura 2000 Sites occurring within a 15km radius of the site. The proposed development is examined in terms of any potential for the proposed development to give rise to significant effects on European sites, i.e. designated Special Conservation Areas (SAC) and Special Protection Areas (SPA), within the likely Zone of Influence.

11.4.3. The baseline environment is described in Section 3 and a description of the proposed development including the elements of the proposed development are described in Section 4 of the AA Screening Report submitted. I have had regard to all of the other relevant documents submitted in support of the proposed development, as well as the planning history associated with the site. I have also had regard to the observations received from the prescribed bodies as detailed above in Section 5 of this report.

11.5. Qualifying Interests for Natura 2000 Sites within Zone of Influence

11.5.1. The subject site comprises a greenfield site in a rural area. Planning permission has been granted for the development of a large solar farm at the subject site and on further plots to the west of the subject site. The subject site is not located within or immediately adjacent to any designated European Site and the closest European Sites are noted to be the Clonaslee Eskers and Derry Bog SAC (00859) which is located approximately 7.5km to the east of the site, and the Slieve Bloom Mountains SPA (004160) which is located approximately 7.6km to the east.

11.5.2. Table 5-1 of the applicants AA Screening Report presents an examination of pathways to European Sites within the Zone of Influence. The report concludes, having examined the likely spatial and temporal biophysical changes associated with the project impacts, that there are no European Sites within the ZoI of the project. The following table sets out the qualifying interests for each of the identified Natura 2000 sites identified within the ZoI, and considers the potential pathways to the proposed development site:

European Site	Qualifying Interests / SCI	Conservation Objectives	Source – Pathway – Receptor	Considered further in Screening
<p>Clonaslee Eskers and Derry Bog SAC (000859)</p> <p>7.5km to the east</p>	<ul style="list-style-type: none"> • Petrifying springs with tufa formation (Cratoneurion) [7220] • Alkaline fens [7230] • Vertigo geyeri (Geyer's Whorl Snail) [1013] 	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected, as defined by a list of specific attributes and targets.</p> <p>General Objective applicable to Petrifying Springs with tufta formation.</p> <p>It is the specific objective to restore the favourable conservation condition of Alkaline fens and Vertigo geyeri, which are defined by a list of specific attributes and targets.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p style="text-align: center;">No Screened Out</p>
<p>Slieve Bloom Mountains SAC (000412)</p> <p>9.2km to the south east</p>	<ul style="list-style-type: none"> • Northern Atlantic wet heaths with Erica tetralix [4010] • Blanket bogs (* if active bog) [7130] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion) 	<p>To restore the favourable conservation conditions of the 3 QIs associated with this SAC, which are defined by a list of specific attributes and targets.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p style="text-align: center;">No Screened Out</p>

	incanae, Salicion albae) [91E0]			
Island Fen SAC (002236) 12.3 to the south west	<ul style="list-style-type: none"> Juniperus communis formations on heaths or calcareous grasslands [5130] Alkaline fens [7230] 	To maintain the favourable conservation conditions of the 2 QIs associated with this SAC, which are defined by a list of specific attributes and targets.	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	No Screened Out
Ferbane Bog SAC (000575) 13.3km to the north	<ul style="list-style-type: none"> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] 	<p>To restore the favourable conservation conditions of Active raised bogs, which is defined by a list of specific attributes and targets.</p> <p>Degraded raised bogs and depressions on peat substrates are noted to be inherently linked to that of Active raised bogs and a separate conservation objective has not been set for these habitats in this SAC.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	No Screened Out
Moyclare Bog SAC (000581) 13.7km to the north west	<ul style="list-style-type: none"> Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] 	<p>To restore the favourable conservation conditions of Active raised bogs, which is defined by a list of specific attributes and targets.</p> <p>Degraded raised bogs and depressions on peat substrates</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p>	No Screened Out

	<ul style="list-style-type: none"> Depressions on peat substrates of the Rhynchosporion [7150] 	are noted to be inherently linked to that of Active raised bogs and a separate conservation objective has not been set for these habitats in this SAC.	<p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	
<p>Ridge Road, SW of Rapemills SAC (000919)</p> <p>13.9 to the west</p>	<ul style="list-style-type: none"> Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] 	To maintain the favourable conservation conditions of the QI associated with this SAC, which is defined by a list of specific attributes and targets.	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p>No Screened Out</p>
<p>River Shannon Callows SAC (000216)</p> <p>14.4km to the north west</p>	<ul style="list-style-type: none"> 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] 	<p>To restore the favourable conservation conditions of Molinia meadows on calcareous, peaty or clayey-silt-laden soils and Lowland hay meadows, which are defined by a list of specific attributes and targets.</p> <p>To maintain the favourable conservation conditions of Alkaline fens, Limestone pavements, Alluvial forests and Lutra lutra. which are defined by a list of specific attributes and targets.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p>No Screened Out</p>

	<ul style="list-style-type: none"> • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] • <i>Lutra lutra</i> (Otter) [1355] 			
<p>All Saints Bog & Esker SAC (000566) 14.5 to the west</p>	<ul style="list-style-type: none"> • Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] • Active raised bogs [7110] • Degraded raised bogs still capable of natural regeneration [7120] • Depressions on peat substrates of the Rhynchosporion [7150] • Bog woodland [91D0] 	<p>To restore the favourable conservation condition of Semi-natural dry grasslands, Active raised bogs and bog woodlands in the SAC, which are defined by a list of specific attributes and targets.</p> <p>Degraded raised bogs and depressions on peat substrates are noted to be inherently linked to that of Active raised bogs and a separate conservation objective has not been set for these habitats in this SAC.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p>No Screened Out</p>

<p>Slieve Bloom Mountains SPA (004160) 7.6km to the east</p>	<ul style="list-style-type: none"> • Hen Harrier (<i>Circus cyaneus</i>) [A082] 	<p>To restore the favourable conservation condition of hen harrier in the SPA, which is defined by a list of specific attributes and targets.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p>No Screened Out</p>
<p>Dovergrove Callows SPA (004137) 13km to the west</p>	<ul style="list-style-type: none"> • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] 	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	
<p>Middle Shannon Callows SPA (004096) 14.4km to the north west</p>	<ul style="list-style-type: none"> • Whooper Swan (<i>Cygnus cygnus</i>) [A038] • Wigeon (<i>Anas penelope</i>) [A050] • Corncrake (<i>Crex crex</i>) [A122] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] 	<p>To restore the favourable conservation condition of Wigeon, Lapwing, Black-tailed Godwit and Black-headed Gull, which are defined by a list of specific attributes and targets.</p> <p>To maintain the favourable conservation conditions of Whooper Swan, Golden Plover and Wetland and Waterbirds</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p>No Screened Out</p>

	<ul style="list-style-type: none"> • Lapwing (<i>Vanellus vanellus</i>) [A142] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Wetland and Waterbirds [A999] 	<p>which are defined by a list of specific attributes and targets.</p> <p>The status of Corncrake as a SCI is under review for this SPA.</p>		
<p>All Saints Bog & Esker SPA (004103) 14.9 to the west</p>	<ul style="list-style-type: none"> • Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] 	<p>To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA.</p>	<p>Site is located entirely outside the EU site and therefore there is no potential for direct effects.</p> <p>No habitat loss arising from the proposed development.</p> <p>No disturbance to species.</p> <p>No pathways for direct or indirect effects.</p>	<p>No Screened Out</p>

11.6. Potential Significant Effects

11.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- Habitat loss / alteration / fragmentation: The subject site lies at a remove of some 7.5km from the boundary of any designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- Disturbance and / or displacement of species: The site lies within a greenfield, rural environment. No qualifying species or habitats of interest, for which the European sites within 15km are so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for direct disturbance or displacement impacts to species or habitats for which the identified Natura 2000 sites have been designated.

In terms of the potential effects on bird species, the Board will note that the nearest SPA is the Slieve Bloom Mountains SPA (Site Code: 004160), one of six sites so designated for the Hen Harrier in Ireland, while the Greenland White-fronted Goose is identified as a SCI for the Dovergrove Callows SPA (Site Code: 004137) 13km to the southwest of the site and the All Saints Bog & Esker SPA (Site Code: 004103) 14.9km to the west of the site. Having undertaken site inspection, I would acknowledge that proposed development site does not provide suitable habitat for either bird species in terms of foraging, nesting or roosting. Given the separation distance of the subject site from the SPAs, I am satisfied that there is little or no potential for direct or indirect disturbance or displacement impacts to hen harrier or Greenland White-fronted Goose arising from the proposed development.

- **Water Quality:** The proposed development relates to the construction of a 110kV substation on a greenfield site in a rural area. The development will change the existing ground surfaces and the construction phase of the development has the potential to give rise to indirect effects to water through accidental release of sediments or suspended solids during the groundworks. The operation of construction equipment within the site may also give rise to hydrocarbons or other pollutants being released into local drains or watercourses. In the case where there is a hydrological link to a Natura 2000 site, there is the potential for the proposed works to have a negative impact on aquatic habitats which lie downstream of the site, and the QIs or SCI species they support, if any.

The site is not bound by any significant water body or river, and the area of the proposed substation lies at a remove from rivers identified in the submitted Aquatic EclA. None of the survey points associated with the Aquatic EclA are located within or adjacent to the proposed development site, and they relate to the wider solar farm development. The subject site has no direct hydrological link to the identified rivers, the closest being approximately 1km from the site. I consider it reasonable, therefore, to conclude that the proposed development is likely to have little or no effects on the quality of the water in the rivers in the wider area.

The wider area from which the proposed development site is taken includes a number of small drains, which have the potential to be affected by the construction period. The drains are not located within or immediately adjacent to the proposed construction areas and subject to normal and good construction practices, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of the onsite drainage ditches or wider river network. These drains do not include suitable habitat for any QIs associated with designated sites, and the site has no hydrological connection with Natura 2000 sites identified within 15km.

I am generally satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 sites can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

11.7. In Combination / Cumulative Effects

- 11.7.1. Given the location of the subject site, within a rural area, there are few large developments which may contribute to an in-combination effect with the proposed development. The proposal is for the construction of a 110kV substation, and the Board will note its association with a permitted solar farm on adjacent lands. I am satisfied that the proposed development has been fully considered in the context of the permitted solar farm and would note that the submitted EclA, AA Screening Report and Aquatic EclA reports have considered both developments in tandem.
- 11.7.2. In addition, permission was granted for the development of a 21-turbine windfarm at Derrinlough (ABP ref. ABP-306706-20), approximately 4.7km to the northwest. Given the lack of hydrological connections between the proposed development site and the permitted wind farm, no in-combination effects have been identified.
- 11.7.3. Having regard to the scale of the proposed development, the Conservation Objectives, Qualifying Interests and Species of Conservation Interest, the separation distances and in particular the lack of a viable hydrological link between the proposed development site and any European site, I consider that any potential for in-combination effects on water quality within identified Natura 2000 sites can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in European Sites are also subject to AA. I further note that no mitigation measures, beyond best practice measures, designed or intended to avoid or reduce any harmful effects associated with the project on any European Site, have been proposed or relied upon in this screening exercise.

11.8. Conclusion on Stage 1 Screening:

- 11.8.1. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely

to have a significant or adverse effect on the integrity of the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

12.0 Recommendation

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

13.0 Reasons and Considerations

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

- (a) the nature, scale and extent of the proposed development,
- (b) the characteristics of the site and of the general vicinity,
- (c) the national targets for renewable energy contribution,
- (d) national, regional and local policy support for developing renewable energy, in particular:
 - Project Ireland 2040 National Planning Framework, 2018,
 - Climate Action Plan, 2023
 - Policy Statement on Security of Electricity Supply (November 2021),
 - Energy Security in Ireland to 2030 – Energy Security Package (November 2023)
 - National Energy Security Framework (April 2022)
 - Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,
 - Regional Spatial and Economic Strategy for the Eastern and Midlands Region
 - Offaly County Development Plan, 2021-2027,

- (e) the distance to dwellings or other sensitive receptors from the proposed development,
- (f) the location of the proposed development within an area identified in the Development Plan as a 'low sensitivity area' with the capacity to absorb a range of new development,
- (g) the planning history of the immediate area, including the permitted solar PV farm on 3 land parcels (PA Reg. Ref. 23/74). This substation development will serve as the grid connection for this generating asset infrastructure,
- (h) the submissions on file including those from prescribed bodies and the Planning Authority,
- (i) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely effects of the proposed development on European Sites, and
- (j) the report of the Inspector.

Appropriate Assessment Screening:

In undertaking an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, the Board noted that the proposed development is not directly connected with, or necessary to, the management of any European Site. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment screening and agreed with, and adopted, the screening assessment and conclusion in the Inspector's report with regard to the identification of European Sites which could potentially be affected.

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

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

Proper Planning and Sustainable Development

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

14.0 Conditions

1.	<p>The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the undertaker shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>All of the environmental, construction and ecological mitigation and monitoring measures set out in the Planning and Environmental Report, Ecological Impact Assessment, Aquatic Ecological Impact Assessment, Flood Risk Assessment and other particulars submitted with the application shall be implemented by the undertaker in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this Order.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
3.	<p>The period during which the development hereby permitted may be carried out shall be ten years from the date of this Order.</p> <p>Reason: In the interest of clarity.</p>
4.	<p>Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.</p> <p>Reason: In the interest of environmental protection and public health.</p>
5.	<p>An underground sealed wastewater holding tank shall be installed on site with effluent to be removed to a licensed wastewater treatment facility for treatment and disposal at regular intervals. Details of the holding tank shall be submitted for the agreement of the planning authority prior to the</p>

	<p>commencement of development.</p> <p>Reason: In the interests of environmental protection and public health.</p>
6.	<p>The undertaker shall comply with the following requirements:</p> <p>a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.</p> <p>b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.</p> <p>c) Cables within the site shall be located underground.</p> <p>d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.</p> <p>Reason: In the interest of clarity, of visual and residential amenity.</p>
7.	<p>The undertaker shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.</p> <p>Reason: In the interest of traffic and pedestrian safety.</p>
8.	<p>Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority, generally in accordance with the CEMP submitted with the application. The CEMP shall incorporate the following:</p> <p>a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste;</p> <p>b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;</p> <p>c) an emergency response plan;</p>

	<p>d) details of the locations of any and all archaeological and cultural heritage constraints relevant to the proposed development as set out in the Archaeological Impact Assessment. All identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeology or cultural heritage environment during all phases of site preparation and construction activity shall be clearly described; and</p> <p>d) proposals in relation to public information and communication. A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of environmental protection and orderly development.</p>
9.	<p>The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the undertaker and at the undertaker's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
10.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological</p>

	<p>material.</p> <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
12.	<p>The site development and construction works shall be carried out such a manner as to ensure that the adjoining streets are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.</p> <p>Reason: To protect the residential amenities of property in the vicinity.</p>
13.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the</p>

	<p>application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>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.</p>
14.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>

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.

A. Considine
 Planning Inspector

28/02/2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP – 317635-23		
Proposed Development Summary	Proposed construction of a 110 kV substation and all associated infrastructure		
Development Address	located in the townland of Freagh Co. Offaly		
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	√
		No	No further action required
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?			
Yes		Class.....	EIA Mandatory EIAR required
No	√		Proceed to Q.3
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]?			
		Threshold	Comment (if relevant)
			Conclusion
No	√	N/A	No EIAR or Preliminary Examination required
Yes		Class/Threshold.....	Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	√	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____