



An
Bord
Pleanála

Inspector's Report

ABP-317774-23

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| Development | Proposed development of 110kV substation and all associated infrastructure. |
| Location | Townlands of Dromalivaun and Leanmore, near Ballylongford, Co.Kerry |
| Planning Authority | Kerry County Council |
| Applicant(s) | Harmony Solar Kerry Limited |
| Type of Application | Application under the provisions of Section 182A of the Planning and Development Act 2000, as amended |
| Observer(s) | Minister of Housing, Local Government and Heritage. Minister for Environment, Climate and Communications. Kerry County Council. Transport Infrastructure Ireland. |

Fáilte Ireland
An Taisce
Heritage Council
Inland Fisheries Ireland
Commission of Regulation of Utilities,
Water and Energy
Health and Safety Authority
Irish Water

Date of Site Inspection

16th November 2023

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

- 1.1. An application has been made by Harmony Solar Limerick Limited under the provisions of Section 182A of the Planning and Development Act 2000 (as amended), for a 10-year permission comprising construction of a 110kV 'Loop In-Loop Out' (LILO) substation and all associated works on an 8.52 hectare site (approx.) in the townlands of Dromalivaun and Leanamore, near Ballylongford Co. Kerry. The proposed substation and associated works are part of a larger renewable solar energy project at this location which was Granted Planning Permission by Kerry County Council on 17th October 2023 (Reg. Ref. 23/284).

2.0 Site Location and Description

- 2.1. The subject site is situated between the townlands of Dromalivaun and Leanamore, approximately 4.12km to the south east of Ballylongford village in North Co. Kerry and approximately 8.4km northeast of the town of Listowel. The site forms part of the eastern parcel of the areas making up a larger renewable solar energy project (Planning Reg. Ref. 23/284).
- 2.2. The area surrounding the subject site is rural and agricultural in nature, with the subject site itself being formed of agricultural landholdings, with grazing and pasture activity evident. The lands are generally low lying with hedgerow and treelined boundaries. Dispersed rural one-off housing is evident in the surrounding area and follows the local road network. There are streams to the southeast of the site feeding into the River Galey.
- 2.3. Areas of cutover peat bog are also a feature of the surrounding landscape which contributes to the open nature of the lands to the south of the site. Small areas of coniferous forestry and wet grassland/scrub are also a feature of the surrounding landscape in particular to the southeast of the proposed substation area.

3.0 Proposed Development

- 3.1. The proposed development will comprise the following:
 - The construction of a 110kV 'Loop In-Loop Out' (LILO) substation and associated works on a site of approximately 8.52 hectares.

- A substation occupying 2.1 hectares, comprising:
 - Transmission System Operator (TSO) compound with electrical equipment, transformer sub-compound, bus bars sub-compound, cable chairs and substation building (435sqm), enclosed by palisade fencing at 0.84 hectares.
 - One transformer up to 110kV within the TSO compound and the provision of an area for a second transformer if future Eirgrid expansion is required.
 - Required TSO expansion area enclosed by palisade fencing at 0.78 hectares.
 - Operators compound (with switchroom building, electrical equipment, rainwater collection system) enclosed by palisade fencing at 0.25 hectares. The proposed operators control building will have a gross floor area of 216.4sqm.
 - Perimeter protection area of 330m of fencing at 0.19 hectares.
 - 7 no. lightning 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 L6021 local road shared with the solar farm approved under 23/284.
 - 5m access road corridor (approx. 2,518m long).
 - Underground cable corridor of 37m in length and provision of 2 no. 16m high mast structures linking proposed substation to adjacent existing overhead 110kV transmission line (only one underground cable corridor will be constructed).
 - Underground cable corridor of 1,293sqm in length and provision of 2 no. 16m high mast structures linking proposed substation to an existing overhead 110kV transmission line (only one underground cable corridor will be constructed).

- Associated construction works and drainage infrastructure.

3.2. The proposed substation and works are part of a larger renewable solar energy project identified as Ballylongford Solar Farm, sited at three land parcels located at the townlands of Ballymacasy, Collnagraigue, Ballyline East, Ballyline West, Leanamore and Dromalivaun, Co. Kerry. The solar farm consists of ground mounted photovoltaic solar arrays and associated ancillary infrastructure, and a final grant of consent was issued by Kerry County Council on 17th October 2023.

3.3. **Documentation Submitted with the Planning Application**

3.4. The application was accompanied by the following documents:

- Planning Application Drawings.
- Planning and Environmental Report.
- Ecological Impact Assessment.
- Natura Impact Statement.
- Flood Risk Assessment.
- Outline Construction Methodology.
- Construction and Environmental Management Plan.
- Photomontages.
- Landscape and Visual Assessment.
- Landscape Management Plan Drawings.
- Archaeological Assessment.

3.5. The planning documentation submitted describes the overall project, as comprised of two separate components as follows:

1. The 110kV electrical substation and associated works which will connect the solar farm to the national grid via the adjacent overhead 110kV transmission line, this is identified as the '110kV Substation'.

2. The energy generating part of the main solar farm which consists of solar panels and associated infrastructure. This is identified as the 'Solar Farm'. Included in that

planning application is an underground Internal Network cable (Medium Voltage, 33kV MV) which will provide the electrical link between the solar farm and the proposed 110kV substation which is situated in the East Parcel.

- 3.6. The application subject to this report, relates to the first component described above, and an application for planning permission under section 182A of the Planning and Development Act 2000 (as amended).

4.0 Submissions and Observations

4.1. Local Authority

- 4.1.1. Kerry County Council submitted their Planning Departments Submission on the Planning Application dated 10th October 2023. In summary, the Local Authority raises no objection to the principle of the proposed development which would be ancillary to the operation of a solar farm recently granted permission by Kerry County Council (ref.23/284). The visual impact of the proposed development was also concluded to be low, with internal section reports noted to be positive. Points of note are summarised below.

4.1.2. Planning Report

- **Archaeology:** The County Archaeologist notes a conflict in the submitted documents. The Planning and Environmental Report submitted with the application infers that there are no archaeological features on the site, however the report also refers to a number of previously unrecorded potential archaeological features within the site. It is recommended that proposed mitigation measures are carried out prior to any grant of permission and not as a condition of the grant of planning permission, including geophysical survey, pre-development archaeological testing, buffer zones.
- **Carrying Capacity Safety of Road Network:** The application does not set out or make provision for protection of the integrity of the road network or remediation of the road network during the construction and operational phase of the development. Serious concerns raised by the Roads Authority that the impact on the road network during the construction and operational

phase would exceed the budgets available to the Roads Authority to maintain their assets. Conditions are recommended.

- Planning Authority's View in Relation to the Decision to be Made by the Board: Proposed development is acceptable in principle. 11 no. conditions recommended, conditions of note include development contributions (no.2) and cash deposit with regard to roads (no.3).

4.1.3. Internal Departmental Consultees:

- Comments of note made by the County Archaeologist noted above.
- Roads Authority comments are set out above. Conditions recommended.
- The Planning Departments Ecologist concludes with reference to the applicants submitted NIS that the proposed development would not adversely affect the integrity of any European sites. Conditions recommended.
- The Flooding Unit confirm that any flooding concerns have been previously addressed under the planning application for the solar farm on the site (ref. 23/284).
- The Environment Department reference water quality management and the need for conditions to manage the construction phase of the development.

4.1.4. Applicant response to Local Authority Reports

4.1.5. On the 8th November 2023 An Bord Pleanála received a response from the Applicant to observations received on the application. A summary of the response to the Local Planning Authority submission is set out below:

- In relation to recommended conditions, item 10(a) requests sightlines of 160m in both directions of the proposed site access. This is not consistent with the permitted solar far development (Reg. Ref. 23284) which utilises the same access route as the proposed substation. The permitted solar far has reduced sightlines of 70m either side of the site entrance. The submitted Road Safety Audit concluded that sightlines of 70m are deemed suitable for the proposed entrance.
- In relation to recommended condition no.8, the council requests that cables be laid underground. The proposed substation requires the provision of cables

above ground; therefore, it is not possible to ensure that all cables are located underground. Although some are proposed underground. Request that this condition be omitted.

- Recommended condition (a) on page 25 of the submission outlines that all structures and foundations shall be removed no later than 40 years from the date of the commissioning of the development. This recommendation solely relates to the solar farm site and not the substation component, which is proposed to be a permanent feature.
- The recommendation by the county Archaeologist that certain mitigation measures be carried out prior to the grant of permission is not supported by precedent or in line with the permitted adjoining solar farm development.

4.2. Prescribed Bodies

- 4.2.1. Submissions have not been received from Minister for Environment, Climate and Communications; Fáilte Ireland; An Taisce; Heritage Council; Inland Fisheries Ireland; Commission of Regulation of Utilities, Water and Energy and Health and Safety Authority
- 4.2.2. Department of Housing, Local Government and Heritage: Note the submitted desk-based Archaeological Impact Assessment. The Department is broadly in agreement with the findings and recommend conditions to secure mitigation described in the submitted assessment, appointment of a project archaeologist, consistency in the project construction management plan concerning archaeology and the submission of a final archaeological report to the Planning Authority and Department for approval describing the results of any required archaeological monitoring / investigation / excavation.
- 4.2.3. Transport Infrastructure Ireland: No objections noted. Reference to regulations governing weight limits on roads that will form haul routes to the site, and operational requirements, with request that the developer consult with bodies responsible for the management of the national road network. In addition, note that any damage to the pavement of the national road network should be rectified in accordance with TII standards, with details agreed with the Road Authority prior to the commencement of the development.

- 4.2.4. Uisce Éireann: Request a condition requiring the applicant to engage with Uisce Éireann prior to the commencement of the development, with respect to potential interactions with public water / wastewater infrastructure and the proposed underground cable.
- 4.2.5. On the 8th November 2023 An Bord Pleanála received a response from the Applicant to observations received on the application. No substantive comments were received with respect to observations received from prescribed bodies.

4.3. **Observers**

- 4.3.1. None received.

5.0 **Planning History**

- 5.1. 23/284 – Planning Permission GRANTED on 17/10/2023 by Kerry County Council for Solar Farm as follows: Application for a 10 year permission and 40 year operation for a solar farm of 146.6 hectares, on 3 no. Land parcels consisting as described herein: west parcel(Ballymacasy, Ballyline east and Ballyline west townlands) c 58.48 hectares, central parcel (Coolnagraigue townland) c. 53.8 hectares and east parcel (Leanamore and Dromalivaun townlands) c 34.32 hectares, a route corridor for an under ground internal electrical cable connecting the west and central parcels to the east parcel consisting of c 3772 meters in length. The total site area for the proposed development is c. 146.6 hectares and consists of the following: 794,430 sq meters of solar photovoltaic panels on ground mounted steel frames, inverter/transformer stations, underground power and communication cables and ducts, boundary security fencing, 2 no. medium voltage (mv) control buildings, new internal access tracks and associated drainage infrastructure, upgrade of 1 no. Site entrance off the lio12 local road and 1 no. New site entrance off the l 6021 local road, CCTV/lighting posts, 5 no. Culvert crossings, biodiversity enhancement, landscaping and all associated site services and works. Installations of an internal network cable comprise trenching for an underground medium voltage electrical cable and associated joint bays and infrastructure, for a distance of approximately 35 metres in length along the l6021 and approximately 3,737 metres within the solar farm lands.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 fence and 2 no. Overhead line masts, will be lodged with An Bord Pleanála in due course. The proposed substation is to be located in the east parcel in the townland of Dromalivaun with connection to the existing overhead lines in either the east parcel in the townland of Dromalivaun or the central parcel in the townland of Leanamore. A Natura Impact Statement (NIS) has been prepared in relation to the project and accompanies this planning application.

5.2. Site to immediate west:

5.3. ABP Ref: 309156-21 – Planning Permission GRANTED by An Bord Pleanála for a Strategic Infrastructure application in September 2022 for 12 wind turbines, substation, grid connection and ancillary site works.

6.0 **Legislative and Policy Context**

6.1. **National**

6.1.1. The National Planning Framework – Project Ireland 2040

6.1.2. The National Planning Framework 2018-2040 (NPF) sets ten strategic outcomes. Strategic Outcome 8 is the Transition to a Low Carbon and Climate resilient society. The NPF states that the future planning and development of our communities at local level will be refocused to tackle Ireland’s higher than average carbon-intensity per capita and enable a national transition to a competitive, low carbon, climate resilient and environmentally sustainable economy by 2050 through harnessing our country’s prodigious renewable energy potential (pg.12). Chapter 9 ‘Environmental and Sustainability Goals’ addresses renewable energy.

6.1.3. 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.”

6.1.4. National Development Plan 2021-2030

6.1.5. The National Development Plan 2021-2030 (NDP) sets out Governments investment strategy and budget up to 2030. Chapter 13 ‘Transition to Climate-Neutral and

Climate-Resilient Society’ identifies renewable energy as a strategic investment priority. Page 123 also includes the following within Strategic Investment Priorities: SOE Investment:

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

6.1.6. The Climate Action and Low Carbon Development (Amendment) Act 2021

6.1.7. The Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021), commits Ireland to a legally binding 51% reduction in overall greenhouse gas emissions by 2030 and to achieving net zero emissions by 2050. Under section 17 ‘Amendment of section 15 of the Principal Act’ the Board as a relevant body shall, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

6.1.8. Climate Action Plan 2023

6.1.1. The Climate Action Plan 2023 is prepared in accordance with the Climate Action and Low Carbon Development (Amendment) Act 2021 and follows the introduction of economy-wide carbon budgets and sectoral emissions ceilings. The plan implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland’s emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. The Plan outlines targets for solar energy production and acknowledges that in order to meet the required targets it will be necessary to build supporting infrastructure.

6.1.2. Government Policy Statement on Security of Electricity Supply, Nov. 2021

- 6.1.3. This policy statement notes that electricity is vital for the proper functioning of society and the economy. The statement lists challenges to ensuring security of electricity supply, including:
- Ensuring adequate electricity generation capacity, storage, grid infrastructure, interconnection and system services are put in place to meet demand – including at periods of peak demand; and
 - Developing grid infrastructure and operating the electricity system in a safe and reliable manner.
- 6.1.4. Page 5 of the policy statement notes the Government has approved *“that it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply”*.
- 6.1.5. Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure
- 6.1.6. This statement notes the strategic importance of investment in networks and energy infrastructure, with such development expected to take account of all relevant standards.
- 6.1.7. Framework and Principles for Protection of Archaeological Heritage, 1999
- 6.1.8. This document was prepared by the Department of Arts, Heritage, Gaeltacht and the Islands and sets out the basic principles of national policy on the protection of the archaeological heritage. Section 3.0 notes that: - archaeological heritage is a non-renewable resource; the first option should be a presumption in favour of avoidance of developmental impacts and that preservation in-situ is the preferred option; if removal cannot be avoided, preservation by record should be applied; carrying out an archaeological assessment where appropriate is the first step in ensuring that preservation in-situ and by record take place; and monitoring is another method of ensuring that preservation takes place.
- 6.1.9. Flood Risk Management Guidelines

6.1.10. These Guidelines seek to avoid inappropriate development in areas at risk of flooding and avoid new developments increasing flood risk elsewhere and they advocate a sequential approach to risk assessment and a justification test.

6.2. **Regional Planning Policy**

6.2.1. Regional Spatial & Economic Strategy (RSES) for the Southern Region

6.2.2. The RSES provides the framework through which the NPF's disruptive vision and the related Government policies and objectives will be delivered for the Region. It sets out a strategic profile and vision for the region. The RSES outlines Regional Policy Objectives (RPOs), including the following of note; RPO 95 identifies the objective of implementation of the national renewable energy action plan as well as leveraging the region as a lead and innovator in sustainable energy generation. RPO 96 states it is an objective to support the sustainable development, maintenance and upgrading of the electricity grid infrastructure and to integrate renewable energy sources. RPO 219 also states that it is an objective to support the provision of new energy infrastructure subject to suitable environmental assessments and the planning process to ensure the energy needs of the future population and economic expansion are met in a sustainable manner. Section 8.2 also outlines support for the development of a safe, secure, and reliable system of transmission and distribution of electricity.

6.3. **Local Planning Policy**

6.4. Kerry County Council Development Plan 2022-2028

6.4.1. The following relevant sections and policies/objectives under the Development Plan are noted (not an exhaustive list):

6.4.2. Section 11.6 relating to Landscape and its protection. Relevant objectives including Objective KCDP 11-77 and Objective KCDP 11-78. The subject site is zoned 'Rural General' as per Section 11.6.3 'Landscape Designations' with relevant policy outlined in Section 11.6.3.2 'Rural General', which states: *"Rural landscapes within this designation generally have a higher capacity to absorb development than visually sensitive landscapes. Notwithstanding the higher capacity of these areas to absorb development, it is important that proposals are designated to integrate into*

their surroundings in order to minimise the effect on the landscape and to maximise the potential for development. Proposed developments should, in their designs, take account of the topography, vegetation, existing boundaries and features of the area. Permission will not be granted for development which cannot be integrated into its surroundings.”

- 6.4.3. Chapter 12 of the Development Plan sets out the Councils policy and objectives for Energy. Objective KCDP 12-1 supports the provision of a reliable energy supply in the county with emphasis on increasing energy supplies derived from renewable resources, whilst protecting natural resource. Section 12.3 ‘Transmission Grid’ states that Kerry County Council supports the maintenance and upgrading of existing high voltage electrical infrastructure, and the provision of new high voltage transformer stations and new overhead transmission power lines subject to no significant adverse effects on the environment or Natura 2000 sites. Objective KCDP 12-8 states that the siting of electricity power lines should be managed in terms of visual and physical impact, with consideration of siting powerlines underground.
- 6.4.4. The Development Plan includes a framework to maximise harvesting of renewable energy resources, while balancing policies and objectives to protect the County’s heritage values and residential amenities. Relevant Objectives relating to the Transmission Grid include KCDP 12-6, KCDP 12-7, KCDP 12-8, KCDP 12-9, KCDP 12-10 and KCDP 12-11.
- 6.4.5. Renewable Energy is addressed in Section 12.5. The relevant objectives including KCDP 12-14, KCDP 12-15, KCDP 12-16 and KCDP 12-17. The proposed development is associated with a solar farm development (Reg. Ref. 23/284) and policy on solar energy is addressed in section 12.5.4.2 of the Development Plan.
- 6.4.6. The subject site is proximate to a designated ‘Potential Repowering Area’ as defined in the Development Plan. These are wind energy areas and make provision for wind farm upgrades, renewal, repowering or extension to permitted operational duration, objective 12-21.
- 6.4.7. Listowel Municipal District Local Area Pan 2020-2026.
- 6.4.8. Strategic Development Objectives of relevance include:

1. To provide an improved quality of life for all citizens of the plan area by promoting the area's economic potential, protect its natural and built environment and safeguard its cultural heritage.

2. Provide for the development of the area in a manner which is environmentally sustainable and protects its social, cultural, environmental, and economic assets for future generations.

6.5. Natural Heritage Designations

6.5.1. The site of the proposed development does not overlap with any natural heritage designations. The following Special Protection Areas (SPA), Special Conservation Areas (SAC) and Natural Heritage Areas / proposed Natural Heritage Areas (NHA/pNHA) are most proximate to the site with approximate distance indicated in brackets: -

- River Shannon and Fergus Estuaries SPA code:004077 (786m);
- Lower River Shannon SAC code:002165 (804m);
- Moanveanlagh Bog SAC code:002351 (6.1km);
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA code: 004161 (8.9km);
- Bunnaruddee Bog NHA (800m);
- Moanveanlagh Bog pNHA (6.1km);
- Ballylongford Bay pNHA (800m); and
- Tarbert Bay pNHA (6.8km).

6.5.2. An Appropriate Assessment of the proposed development has been carried out in Section 8 of this report below in relation to potential impacts on designated European sites.

6.6. Environmental Impact Assessment Considerations

6.6.1. The requirements for Environmental Impact Assessment (EIA) are outlined in Part X of the Planning and Development Act 2000 (as amended) and Part 10 of the

Planning and Development Regulations 2001, as amended. Schedule 5 of the Regulations sets out the various classes and thresholds of development which require mandatory EIA. Part 1 of Schedule 5 lists projects for which mandatory EIA is required on the basis of their type while Part 2 of the same schedule lists projects on the basis of their relevant scale/size threshold that requires EIA.

- 6.6.2. There are no classes of development within Schedule 5 of the Regulations, that are applicable to the proposed development.
- 6.6.3. The proposed development which constitutes the provision of an electrical substation and which forms part of a larger renewable energy development (Solar Farm) at this location, does not fall into a class of development contained in Schedule 5, Parts 1 or 2. Class 15 of the Schedule 5 states that EIA can be required in the case of a development listed in Part 2 that does not exceed a limit specified if it is considered that it that would be likely to have significant effects on the environment having regard to the criteria set out in Schedule 7 of the Regulations (Sub-threshold EIA). As the proposed development is not of a class listed there is no threshold for EIA and accordingly a subthreshold EIA is not applicable.

7.0 **Assessment**

- 7.1. It should be noted that while the proposed development forms part of a wider solar farm project, this assessment concerns the proposed substation compound / structures and associated infrastructure, alongside consideration of any cumulative impacts arising from the approved solar farm (ref. 23/284). Therefore, while the application concern's the proposed substation and associated infrastructure only, the wider solar farm project will be referred to at times throughout this assessment.
- 7.2. The wider solar farm project comprises western, central and eastern parcels of land. The proposed substation subject to this planning assessment, is situated in the eastern parcel of the wider solar farm project. There are existing 110kV overhead transmission lines traversing the central and east parcels in a north-south orientation. It is proposed that the 110kV substation be located in the east parcel alongside one of the overhead lines. It is intended that the 110kV substation will connect to the overhead 110kV transmission line by a loop-in-loop-out (LILO) connection in the east parcel. It is also proposed that an alternative LILO connection

through an existing 110kV overhead line in the central parcel be included should connection to the existing 110kV overhead line in the east parcel not be viable. The substation would remain in the east parcel under either scenario.

7.3. I will address the main planning issues arising from the proposed development under the following headings:-

- Principle of development
- Design, layout and visual impact
- Residential amenity
- Movement and access
- Archaeology
- Water, drainage and flood risk
- Biodiversity
- Other issues

7.4. **Principle of development**

7.4.1. The Local Authority raises no objection to the principle of the proposed development for a 110kV 'Loop In-Loop Out' (LILO) substation and associated works on a site of approximately 8.52 hectares (within which the substation will cover approximately 2.1 hectares), which would be ancillary to the operation of a solar farm recently granted permission by Kerry County Council (ref.23/284). Prescribed bodies also no raise concerns with the principle of locating the proposed substation and ancillary infrastructure on the site.

7.4.2. National, regional and local planning policy all support the provision of renewable energy development and associated electricity infrastructure to support transmission and distribution of this energy via national grid. The subject site is proximate to existing overhead 110kV transmission lines and is situated in an area zoned "Rural General" which has a higher capacity to absorb development, subject to assessment of visual and amenity impacts. The principle of a 110kV substation and ancillary infrastructure on the site to support the approved solar farm, is therefore in accordance with the overarching planning policy framework, and particularly

Objective 55 in the NPF, and relevant objectives in Section 12 of the Kerry County Council Development Plan 2022-2028.

- 7.4.3. The applicant has sought a period of ten-years to implement any grant of planning permission in this case. Having regard to the nature of the proposed development which is linked to the provision of an approved solar farm development (ref. 23/284), which is itself is subject to a 10 year permission, I consider a 10 year consent acceptable and appropriate to facilitate further engagement with the transmissions system operator, and to facilitate consistency in consideration of the approved solar farm development.

7.5. Design, layout and visual impact

- 7.5.1. The Local Authority stated in their submission on the application, that the topographical characteristics and natural boundary screening will provide suitable screening of the substation, limiting localised visibility to the substation itself, concluding that the visual impact of the proposed development was considered to be low.
- 7.5.2. The proposed development comprises a substation compound over 2.1ha. It includes a 435sqm 110kV 'Loop in-Loop out' substation, 2no. high mast structures at c.16m, 7no. lighting masts at c.18m and the highest element is formed of a telecom pole at c.20m, along with associated works. The substation building and associated structural infrastructure is enclosed by palisade fencing. The substation building itself is formed of a pitched roof single storey structure, broadly measuring 25m wide, 18m deep and 8.693m high to ridge (3.955m high to eaves). A switch gear building is situated to the west of the substation building and is also formed of a pitched roof structure broadly measuring 20.145m wide, 10.743m deep and 6.923m high to ridge.
- 7.5.3. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) with associated Photomontages document. This demonstrates and discusses the visibility and any consequential impact of the proposed substation as part of the wider solar farm project. The substation compound is partially and intermittently visible in view VP8, with the LVIA identifying a slight-imperceptible negative impact. The submitted LVIA concludes that given the characteristics of the site and surroundings, an overall visual landscape impact of no greater than moderate-slight is anticipated in the immediate vicinity (less than 1000m away) reducing to slight or

imperceptible in a wider 5km area. I am satisfied that the views presented overall demonstrate the low visibility of the proposed development as part of the wider solar farm project.

- 7.5.4. The subject site is not situated in a Visually Sensitive Area as defined under the Kerry County Development Plan 2022-2028 and is in a designated Rural General zone, where there is capacity to absorb development where it is integrated into the surroundings. The nearest village to the subject site is Ballylongford, located some 800m northwest of the main solar farm area. Closer to the site of the substation itself there are isolated farmsteads and linear clusters of residential dwellings. There are no residential dwellings immediately proximate to the boundaries of the subject site itself, which is surrounded by agricultural fields (some forming the approved solar farm area) on all sides. The area of the subject site is low lying, with hedgerows and treelined boundaries providing natural screening to the agricultural fields they surround.
- 7.5.5. The proposed development incorporates the retention of trees and hedgerows which will screen the substation structures proposed. The lighting masts, telecom pole and high mast structures will be prominently visible, however they reflect established electrical infrastructural features that currently informs the existing environment surrounding the site, and therefore would be in keeping with the established character of the area. A new access road to the L6021 local road and 5m access road corridor (2,518m long) are also proposed. These features will be readily absorbed into the landscape which is already characterised by fields intertwined with roads and access points.
- 7.5.6. As a result of the foregoing and informed by my inspection of the site and surrounding area, I am satisfied, that in the absence of any sensitive landscape or scenic designations, and in light of the scale, form and visibility of the proposed development in an area already visually characterised by intermittent electrical infrastructural structures; the proposed development would not have an adverse impact on landscape or visual amenities of the area. I am also satisfied that the cumulative impact of the proposed development alongside the approved solar farm and in-combination with permitted energy infrastructure in the wider area, would not be significant.

7.6. Residential amenity

- 7.6.1. No concerns have been raised by either the Local Planning Authority, prescribed bodies or third parties with respect to residential amenities. The application was accompanied by environmental reports that described and examined potential impacts on the receiving environment, including with respect to construction, traffic and landscape effects. There are no houses located in the immediate vicinity of the substation, and the substation compound with structures and associated infrastructure would be located in excess of 200m from the nearest neighbouring premises. There are neighbouring residential houses situated along the L6021 local road that would experience some disturbance during the substation and cable connection works in terms of construction traffic, noise and dust. However, impacts would be managed and mitigated by the measures as described in the submitted Outline Construction Methodology report and Construction Environmental Management Plan (CEMP), and this mitigation can be secured through conditions requiring a final CEMP. Given the significance distance to the nearest surrounding residential dwellings, there are no long-term impacts anticipated during the operational phase.

7.7. Movement and access

- 7.7.1. The submission from the Local Planning Authority refers to concerns raised by the Planning Departments Road Authority with respect to maintenance of roads. The Roads Authority states that the application submission does not set out or make provision for protection of the integrity of the road network or remediation of the road network during construction and operational phases. The Roads Authority highlights their experience of similar developments to that proposed in the current application, and that to maintain roads to an appropriate standard, as a consequence of impacts from the proposed development, it would exceed the budgets available to the authority. A condition is therefore recommended requiring lodgement to the Planning Authority of a cash deposit, a bond of an insurance company, or other such security with respect to the section of public road L6021 between the proposed site entrance 3 and the junction of the L1012 and the proposed site entrance 1 and the junction with the N69, to secure the maintenance during construction and/or reinstatement of public roads that may be damaged by the transport of materials and/or used as haul routes for construction to the development site. Other conditions are also

recommended by the Roads Authority and Planning Authority with respect to sightlines, traffic routes associated with the development, implementation of recommendations of the Road Safety Audit, pre and post construction road checks, inspection of any culvert on haulage route, details of proposed passing bays, provision of a dwell area, approval of road network alterations, abnormal load licences, surface water runoff, drainage, repair of public roads, onsite attenuation, deposits onto the public road, surveys of boundaries, traffic management arrangements and provision for construction management of the site.

7.7.2. Transport Infrastructure Ireland (TII) highlight the proposed use of the N69 (national road) as a haul route, and that the application documents do not contain details of the potential for abnormal weight loads, whilst acknowledging that such loads may not feature as part of the development. TII goes on to identify the regulations and restrictions around abnormal loads on the national road network, as well as the management and maintenance provisions for national roads. TII requests referral of all proposals agreed between the road authority, management / maintenance companies / contractors and the applicant. It is also requested that any damage caused to the pavement of the existing national road network arising from any temporary works and/or delivery of abnormal loads is repaired.

7.7.3. Section 8 of the submitted Planning and Environmental Report for the application describes the potential impact upon traffic and transportation as a result of the proposed development. There are 3 entrance points described to the subject site as part of the approved wider solar farm development as follows:

- Entrance 1 to the 'west parcel' via an existing site entrance from the L1012 local road;
- Entrance 2 to the 'central parcel' from the L6021 local road;
- Entrance 3 to the 'east parcel' where the substation compound is located, via the L6021 local road. This entrance forms the access to the approved solar farmlands in the east parcel as well as to the proposed 110kV substation.

7.7.4. The submitted report outlines that the entrances will be designed in accordance with the requirements of TII design standard DN-GEO-03060 and capable of accommodating a 16.5m long articulated vehicle, and with entrances graded to ensure additional surface water runoff will not get onto the public roads from the

internal site access roads. A Sightline Assessment for Entrance 3 is also described and are proposed to be achieved in reflection of recorded speeds. The proposed haul route for the development is outlined as utilising the N69 from Foynes Port, accessing the site off the L1012 local road.

- 7.7.5. With respect to the construction phase, the submitted report states that it is not anticipated that any works will be required on the local road network for the purposes of facilitating delivery, and that the size and nature of equipment to be delivered will be similar to those already using the road network for the purposes of agricultural deliveries to local farms and surrounding areas.
- 7.7.6. A construction stage Traffic Management Plan (TMP) is proposed to form the main mitigation measure that will have minimal impact on the road network. The cumulative effect of construction traffic associated with both the proposed substation and the approved solar farm is also considered in the report and will be managed through the TMP. As a result, it is concluded in the submitted report that the estimated level of traffic generated will not exceed the local road network capacity. Consideration is also given to the approved Shronowen Wind Farm in-combination with the proposed development and associated solar farm development, with predicted traffic generation figures that would not be significant. The overall residual impact of the proposed development is predicted to be negative upon the local road network during construction, for a temporary, short-term duration, and with slight significance. During operation, no significant or negative impact is identified.
- 7.7.7. In relation to the conditions recommended by the Roads Authority and Local Planning Authority, many of the conditions requested form mitigation that would be accounted for through a final Construction Environmental Management Plan (CEMP) and TMP for the construction stage of the development. Particularly in relation to management of surface water, drainage and deposits onto the local road network and management of construction traffic and deliveries to the site. The approval of a final CEMP and TMP for the proposed development can be secured by condition. A final CEMP can also incorporate pre and post construction road checks, and inspection and monitoring of culverts on the haul route. While the report identifies measures in relation to sightlines, traffic routes associated with the development and passing bays, conditions can ensure that these arrangements conform with the Planning Authority requirements. The report confirms that it is not intended to alter

the road network to facilitate deliveries to the site and that the nature of deliveries will reflect current usage of the network. Conditions can be used to ensure that in the event that any abnormal loads are proposed, these conform to standards and requirements as identified by TII and the Planning Authority. A Road Safety Audit is appended to the submitted report (Appendix 8.2) and the recommendations of the audit have been accepted by the applicant.

7.7.8. While the submitted report does not anticipate any alterations to the road network to facilitate deliveries to the site as part of construction phase, and it is anticipated that deliveries will reflect current loads on the network, I agree with the Planning Authority that a security bond should be sought to ensure that in the event that any damage occurs, this can be adequately rectified. The submission by TII in relation to the need to engage with the relevant road authorities is also noted.

7.7.9. Overall, with the application of mitigation (specifically a TMP and CEMP) and with regard to the scale and nature of the proposed development and the character of the surrounding road network, I am satisfied that the proposed development would not give rise to excessive traffic generation along the road network during either the construction or operational phase. I am also satisfied that the proposed development, taken in combination with the permitted solar farm, permitted wind farm and other existing and permitted development in the surrounding area, would not give rise to a traffic hazard or endanger the safety of other road users during the construction and operational phases.

7.8. **Archaeology**

7.8.1. The Planning Authority's County Archaeologist states that the submitted report notes that there are no recorded archaeological monuments within the proposed development area, but also that a number of previously unrecorded potential archaeological features were noted within the site. However, the nature and extent of these features is not provided. The Planning and Environmental report notes that there is large-scale ground disturbance proposed in an area that the report notes contain potential archaeological features. The County Archaeologist raises concern that a grant of permission based upon the submitted plans and documentation effectively removes the option to preserve any archaeological features and/or monuments in situ and promotes preservation by record, which is contrary to policy

in the Frameworks & Principles for the Protection of Archaeological Heritage. The County Archaeologist concludes that in the absence of a clear assessment of the site through either archaeological testing or a combination of geophysical survey and archaeological testing, prior to the grant of permission, there is no option to preserve any previously unrecorded features or monuments in situ. The Planning Authority concurs with the County Archaeologist that the proposed mitigation should be carried out prior to any grant of permission and not as a condition of the grant of planning permission.

- 7.8.2. The submission from the Department of Housing, Local Government and Heritage on the application notes that they are broadly in agreement with the applicants' findings and recommend conditions to secure mitigation described in the submitted assessment.
- 7.8.3. The application includes an Archaeological Assessment and Cultural Heritage including archaeology is addressed in section 11 of the submitted Planning and Environmental Report. The Archaeological Assessment outlines a desktop study of the site which revealed that there are no recorded archaeological sites within the subject lands and no such monuments proximate to the site. An inspection of the subject site by two suitably qualified archaeologists is also described. This identified two areas overlapping the subject site boundary where potential archaeological features may be present. The first relates to an area of slightly raised ground in the shape of a ring towards the southeast corner of the proposed compound area. The submitted report states that this possible feature may relate to recent agriculture; possibly the former location of a feeding trough, and it is highlighted that on recent satellite imagery a trackway can be seen leading to the location. Secondly, an overgrown mound was identified towards the centre of the southern field boundary, which is a field overlapped by the subject site to the north of its boundary. The submitted report states that this is potentially a remnant of a (disused) lime kiln, but no features could be identified.
- 7.8.4. The submitted report recommend mitigation as follows:
- A pre-development programme of geophysical survey under licence issued by the National Monuments Society, to be followed by;

- A programme of targets pre-development archaeological test trenching under licence issued by the National Monuments Society.

7.8.5. The report recommends that the geophysical and test trenching site investigations be undertaken post-planning consent but well in advance of the construction phase of the proposed development to ensure adequate time for processing of licence applications, completion of onsite investigations, compilation of reports, and any required consultation with the National Monuments Society. The Planning and Environmental Report identifies that the subject site is considered to have low archaeological potential overall, with moderate archaeological potential with respect to previously unrecorded potential archaeological features.

7.8.6. I note the Planning Authority's, and their County Archaeologist's, concern with respect to the potential for previously unrecorded archaeological features on the site. However, only one of the potential features identified overlaps the site redline boundary. That feature is also presented as likely relating to the agricultural use of the lands. I also note that the Department recommends that the mitigation set out in the submitted report is secured by condition, as well as that the CEMP for the development aligns with the archaeological assessment. The Department notes in its reasons for recommended conditions, the continued preservation (either in situ or by record) of archaeological features.

7.8.7. I am satisfied that the proposed mitigation as described in the submitted Archaeological Assessment is commensurate to the identified archaeological characteristics of the site and would ensure adequate investigation prior to development works being carried out on the site. This mitigation can be secured by conditions in the event that the Board determine to grant planning permission.

7.9. **Water, drainage and flood risk**

7.9.1. The Planning Authority and prescribed bodies do not raise any concerns with respect to water, drainage or flood risk.

7.9.2. Section 6 of the submitted Planning and Environmental Report addresses drainage and water quality. I undertake an Appropriate Assessment and consider impacts with respect to water quality and European sites separately in section 8 of my report below. The submitted report identifies that the subject site is situated in the Ballylongford_030 and Tarmon Stream_010 sub-basins. The primary watercourses

in the area and the receiving body of the streams at the site is the East Ballyline River and Coolnagraigue River, neither of which are identified as being at risk. These waterbodies flow into the Ballylongford River. Surface water runoff within the site boundary drains either on site or ultimately into the Ballylongford River. There are areas of mature forestry and peatlands adjacent to the site that also absorb volumes of ground water run-off from the site. There is a total of 5 culverts within the approved solar farm. Two of which cross the East Ballyline River and Coolnagraigue River and three culverts cross over an existing agricultural drainage ditch in the east parcel where the proposed substation is situated. The subject site is also located in the Ballylongford groundwater body, identified as having moderate vulnerability.

7.9.3. A Flood Risk Assessment is also submitted with the application and identifies that the proposed substation is situated in Flood Zone C at low risk of flooding, with no negative impact identified with respect to flood risk and the proposed substation. The submitted Planning and Environmental Report identifies proposed drainage and mitigation measures, with no significant impacts identified with respect to hydrology and water quality. It is proposed that surface water be managed during construction in accordance with best practice measures to be implemented through a CEMP for the development. The proposed drainage measures during operation ensure no releases of sediments. No cumulative impacts are identified.

7.9.4. Conditions are recommended by the Planning Authority and Uisce Éireann with respect to drainage and protection of assets. I am satisfied that with the implementation of mitigation through conditions, including measures to control drainage, and measures to maintain water quality through best practice construction measures as set out in the CEMP for the proposed development, the proposal is acceptable with respect to water, drainage and flood risk.

7.10. **Biodiversity**

7.10.1. No concerns are raised by the Planning Authority or prescribed bodies with respect to biodiversity.

7.10.2. Section 7 of the submitted Planning and Environmental Report addresses biodiversity and ecology, and a separate Ecological Impact Assessment (EclA) is also included with the application. I undertake an Appropriate Assessment with respect to European sites separately in section 8 of my report below. The submitted

assessments consider the solar farm site in its entirety, of which, the substation subject to this current application forms part of the eastern parcel.

- 7.10.3. The submitted EclA describes the habitats present on the subject site, which mainly comprise GA1/GS4 Wet Grassland/Improved Agricultural Grassland, hedgerows and treelines. No protected or rare flora species protected under the Flora Protection Order (2022), listed in Annex II and IV of the EU Habitats Directive or listed in the Irish Red Data were recorded during surveys of the site (or wider solar farm site).
- 7.10.4. There were 35 red or amber listed bird species observed during hinterland surveys of the area. Of the Annex I species, merlin, peregrine and hen harrier were observed to the south of the subject site at the bog at Dromalivan. A hen harrier was also observed to the north east of the subject site at Leanmore commuting over bog. During transect surveys of the wider solar farm site, 1 Annex I species (little egret) was recorded and 10 species of birds of conservation concern were observed. During site walkover surveys of the wider solar farm site, two snipe (red listed) were flushed from the area of wet grassland at the cable easement lands. Six other bird species were observed (2 of which are red or amber listed) and a song thrush egg was found indicating breeding on the site. The EclA highlights that there are areas within the wider solar farm site (inclusive of the subject site) that may be suitable for nesting habitat for birds of conservation concern.
- 7.10.5. In relation to mammals, badgers (a protected species) have been recorded in the area and feature in the wider solar farm site, however there were no setts or evidence of previous setts within the substation site subject to this application. The hedgerows, treelines and streams at the proposed site offer potential for foraging and commuting bats (protected under the Wildlife Acts) and will be retained in the development, the open areas of grassland are considered to be of lower suitability for bats. In terms of aquatic fauna, smooth newt (protected under Wildlife Acts) has been recorded in the area and areas of long grass and scrub within the site may provide habitat for adult newts. No other fauna species of concern were observed at the site, and no invasive species were observed.
- 7.10.6. The subject site does not overlap the boundary of any designated conservation areas or require resources from such areas. There is a hydrological connection to the Ballylongford Bay pNHA and Scatterry Island, and therefore potential for

disturbance of species during construction as a result of pollutants. However, due to the dilution by the Shannon Estuary and tidal mixing and that their designation relates to habitats within their boundaries, the EclA concludes that this potential impact would be not significant, negative, long-term in a local context. No other hydrological link exists to other NHAs, and no impact envisaged.

7.10.7. The submitted EclA describes the mitigation to be implemented across the entire solar farm development site inclusive of the proposed substation site. During construction, measures include retention of hedgerows and treelines, site supervision by a project ecologist, measures to protect water quality, specific measures around instream works and culvert works to minimise impacts, and pre-construction surveys for birds and mammals. Trimming of vegetation will be carried out outside of bird breeding season (March – August) and construction operations will be carried out during daylight to minimise disturbance to bats, roosting birds and mammals at night. Lighting will also be sensitive to bats. In terms of ecology enhancement measures, a range of measures are proposed across the wider solar farm site, for the proposed substation site specifically, an area of native thicket interplanted with advanced nursery stock is proposed along the northern boundary of the compound area. An insect hotel is also proposed within the compound area, as well as an area of wildflower planting. Towards the western extent of the subject site additional wildflower planting is also proposed. With implementation of the measures described, the EclA concludes that residual impact from the proposed development upon biodiversity is anticipated to be imperceptible to not significant. Section 7 of the submitted Planning and Environmental Report refers to the findings of the EclA and concludes that the proposed development (alongside the wider solar farm project) will result in positive impact over the short to medium term.

7.10.8. I am satisfied that with the application of the mitigation measures described, the proposed substation development would not have an adverse impact on biodiversity during construction, either alone or in-combination with other projects, particularly in consideration of the approved solar farm project over the wider site area. There would be no significant impacts during the operational phase. Positive biodiversity impacts are anticipated in associated with the application of the enhancement measures described.

7.11. **Other issues**

7.11.1. Noise and Vibration

7.11.2. There are no concerns noted by the Planning Authority or prescribed bodies. The submitted Planning and Environmental Report considers noise and vibration in section 10. This outlines that during operation, noise limits will be met during all periods and there will be no residual impact arising from the proposed development with respect to noise and vibration. During construction, mitigation is recommended to control noise. In light of the temporary and short-term character of construction related noise impact, I am satisfied that impact arising from the proposed development will be within acceptable parameters.

7.11.3. Glint and Glare

7.11.4. There are no concerns noted by the Planning Authority or prescribed bodies. The submitted Planning and Environmental Report considers potential for glint and glare in section 13 arising from the approved solar farm, with which the proposed substation is associated. This concludes that there will not be any hazardous effects upon roads or aviation. I note that the proposed substation subject to this application will not give rise to any glint and glare.

7.11.5. Cumulative Impacts

There are no concerns noted by the Planning Authority or prescribed bodies in relation to cumulative impacts. The application is accompanied by a Planning and Environmental Report and supporting assessments that describe and examine potential impacts and in-combination effects on the receiving environment (incl. population, air, climate, noise, traffic, landscape, biodiversity & heritage). The main project relates to the recently permitted solar farm which would operate in conjunction with the proposed substation. Having regard to the nature, scale and location of surrounding projects, the proposed development, and in light of mitigation proposed as identified in this report, I am satisfied that no significant adverse cumulative effects will arise.

8.0 **Appropriate Assessment**

8.1. This section of the report considers the likely significant effects of the proposal on Natura 2000 European sites with each of the potential significant effects assessed in

respect of each of the European sites considered to be at risk and the significance of same. The assessment is based on the submitted Appropriate Assessment Screening & Natura Impact Statement submitted with the application.

- 8.2. I have had regard to the submissions of third parties, prescribed bodies and the Planning Authority in relation to the potential impacts on European sites, as part of the Natura 2000 Network of sites.
- 8.3. The Project and Its Characteristics
- 8.4. See the detailed description of the proposed development in section 3.0 above.
- 8.5. The European Sites Likely to be Affected (Stage I Screening)
- 8.6. The subject site is situated in County Kerry and rural in character, located within the townlands of Leanamore and Dromalivaun. The surrounding area comprises one-off dwellings with farmsteads and concentrations of single dwellings dispersed along the local road network. The subject site is comprised of agricultural lands with grazing and pasture activity dominating. Internal boundaries comprise hedgerows and treelines typical of the area. The Bunnarudee stream runs through a small section to the south of the subject site. The site itself is not situated within a European site, the closest Natura 2000 site being circa 780m-800m away at River Shannon and Fergus Estuaries SPA and Lower River Shannon SAC.
- 8.7. I have had regard to the submitted Screening Report to Inform the Appropriate Assessment Process Screening and Natura Impact Statement, which identifies that while the site is not located directly within any European site, there are a number of European sites sufficiently proximate or linked to the site to require consideration of potential effects, including in consideration of hydrological connections. These are listed below with approximate distance to the application site indicated:
- River Shannon and Fergus Estuaries SPA (786m);
 - Lower River Shannon SAC (804m);
 - Moanveanlagh Bog SAC (6.1km); and
 - Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (8.9km).

- 8.8. The specific qualifying interests and conservation objectives of the above sites are described below. In carrying out my assessment I have had regard to the nature and scale of the project, the distance from the site to European sites, and any potential pathways which may exist from the development site to a European site, as well as the information on file, including observations on the application made by prescribed bodies and Third Parties, and I have also visited the site.
- 8.9. The qualifying interests of all European sites considered are listed below:

Table 8.1: European Sites/Location and Qualifying Interests

| Site (site code) and Conservation Objectives | Qualifying Interests/Species of Conservation Interest (Source: EPA / NPWS) |
|--|--|
| River Shannon and Fergus Estuaries SPA (004077) To maintain the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected. | Cormorant (<i>Phalacrocorax carbo</i>) [A017] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Scaup (<i>Aythya marila</i>) [A062] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Knot (<i>Calidris canutus</i>) [A143] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Greenshank (<i>Tringa nebularia</i>) [A164] |

| | |
|---|--|
| | <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p> |
| <p>Lower River Shannon SAC (002165)</p> <p>To maintain or restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected.</p> | <p>Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Salmo salar</i> (Salmon) [1106] <i>Tursiops truncatus</i> (Common Bottlenose Dolphin) [1349]</p> |

| | |
|---|---|
| | Lutra lutra (Otter) [1355] |
| Moanveanlagh Bog SAC (002351) To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected. | Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150] |
| Stack's to Mullaghareik Mountains, West Limerick Hills and Mount Eagle SPA (004161) To restore the favourable conservation condition of qualifying interests/species of conservation interest for which the SPA has been selected. | Hen Harrier (Circus cyaneus) [A082] |

8.10. The above Table 8.1 reflects the EPA and National Parks and Wildlife Service (NPWS) list of qualifying interests for the SAC/SPA areas requiring consideration.

8.11. Potential Effects on Designated Sites

8.12. The submitted report considers the proposed substation development subject to this application as part of the wider approved solar farm project, in consideration of potential effects upon European sites. The submitted report identifies any pathways or links from the subject site to European Sites considered in this screening assessment, and I summarise this below.

8.13. The streams in the solar farm project area and proposed substation site are within the Shannon Estuary South Catchment and flow towards the Ballylongford River which ultimately flows to the Shannon Estuary. The subject site does not overlap directly with any European site and therefore there is no risk of direct habitat loss or

fragmentation to occur as a result of the proposed development. A number of SCI species associated with the River Shannon and Fergus Estuaries SPA have potential to occur in the habitats adjacent to the solar farm project (inclusive of substation area). There is also a hydrological pathway via streams from the site flowing into the Ballylongford River and on to the Shannon Estuary, with potential for effects upon the wetlands and waterbirds at the River Shannon and Fergus Estuaries SPA. The Ballylongford River also enters the Lower River Shannon SAC and while this is a large estuary with tidal mixing and dilution, using the precautionary principle, this SAC is concluded to have a hydrological pathway to the subject site which could result in potential effects upon QI/SCI species, as well as mobile species associated with the SAC which may use habitats at the site or surrounding areas, including otter and other aquatic species.

- 8.14. The submitted report highlights potential effects upon the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC arising from their proximity and pathways, including changes to physical environment impacting mobile aquatic species and indirect habitat loss for ex-situ QI/SCIs, effect upon mobile QI/SCIs from dust or as a result of dust entering watercourses and from noise disturbance during construction, potential emissions to watercourses, and displacement / disturbance of bird QI/SCIs during construction / decommission (solar farm element), as well as potential in-combination effects with other projects.
- 8.15. In light of the characteristics of the proposed development (including consideration of the wider approved solar farm project), the distances to the remaining European sites highlighted in table 8.1 above, the characteristics of their QI/SCIs and the lack of any hydrological or any other pathway to those sites, there are no sources for potential effects to the Moanveanlagh Bog SAC or Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA, arising from the proposed development.
- 8.16. AA Screening Conclusion
- 8.17. I concur with the conclusion of the applicant's screening, with respect to the possibility for significant effects on European sites at River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC with respect to the following:

- Physical changes to the environment (changes to surface water flow / habitat loss), dust emissions, noise emissions, water emissions, displacement/disturbance, proximity of works and potential for cumulative impacts.

8.18. The specific conservation objectives and qualifying interest of the habitats for the potentially effected European sites relate to range, structure and conservation status. The specific conservation objectives for the species highlighted for the potentially effected European sites relate to population trends, range and habitat extent. Potential effects arising from emissions associated with the construction of the proposed development, changes to the environment, disturbance and cumulative impacts have been highlighted above, which have the potential to affect the conservation objectives supporting the qualifying interest / special conservation interests of the European sites identified. As such, likely effects on River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC cannot be ruled out, having regard to the sites' conservation objectives, and a Stage 2 Appropriate Assessment is required. The potential impacts are expanded upon in further detail as part of a Stage 2 Appropriate Assessment below.

8.19. In relation to the remaining European sites considered, taking into consideration the distance between the proposed development site to these designated European sites, the lack of a direct hydrological pathway with the potential to facilitate significant effect, or any other pathway or link to these European sites, as well as the dilution and dispersal effects, it is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the construction and operation of the proposed development, individually or in combination with other plans or projects, would not be likely to have an adverse effect on the conservation objectives or features of interest of Moanveanlugh Bog SAC or Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA. Therefore, I agree with the applicant's submitted screening report that a Stage 2 Appropriate Assessment is not required with respect to these aforementioned European sites.

8.20. Stage 2 – Appropriate Assessment

- 8.21. The submitted NIS identifies the potential for negative effects upon River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC as a result of the proposed development and I concur that an Appropriate Assessment of the proposed development is required with respect to these aforementioned European sites.
- 8.22. The site-specific conservation objectives and qualifying interests / species of conservation interests of River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC are summarised above in table 8.1. The NIS provides a description of River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC and the potential effects of the proposed development, alongside any required mitigation to avoid adverse effects. A conclusion on residual impact is then provided. A summary of this assessment is set out below.
- 8.23. River Shannon and River Fergus Estuaries SPA: This is an internationally important site that supports an assemblage of over 20,000 wintering waterbirds. It holds internationally important populations of four species and seventeen species of national importance. Threats, pressures and activities with impacts upon this SPA include a high level of threat from discharges within the site; and urbanised areas human habitation, fertilisation and industrial or commercial areas outside the site; and a medium level threat from nautical sports, shipping lanes, marine and freshwater aquaculture inside the site.
- 8.24. Lower River Shannon SAC: This site is of great ecological interest as it contains a high number of habitats and species listed on Annexes I and II of the EU Habitats Directive, including the priority habitats lagoon and alluvial woodland, the only known resident population of bottle-nosed Dolphin in Ireland and all three Irish lamprey species. This site forms the largest estuarine complex in Ireland and supports more wintering wildfowl and waders than any other site in the country. Threats, pressures and activities with impacts upon this SAC include a medium level threat from discharges, fertilisation, grazing and polderisation inside the site; a medium level threat outside the site from urbanised areas human habitation, eutrophication (natural), reclamation of land from sea estuary or marsh, and discharges; and a low level of threat inside the site from removal of beach materials, marine and freshwater aquaculture, management of aquatic and bank vegetation for drainage purposes, and hunting.

8.25. The submitted report identifies the potential for SCI wetland waterbird species of the River Shannon and River Fergus Estuaries SPA to occur within the subject site. All have potential to occur either within the Ballylongford Estuary or upstream within the Ballylongford River. The submitted report includes a bird survey in appendix 1. This found that there were no SCI species identified within the subject lands during hinterland surveys, with the exception of a single cormorant commuting over a field. While, the characteristics of habitats on the subject site have the potential to support foraging SCIs, there is no evidence to suggest that the habitats within the subject site support significant numbers. The potential for QIs of the Lower River Shannon SAC to occur in watercourses connected to the proposed development is set out in table 5-4 of the submitted report. While no otter was present on the site, its distribution may change overtime, therefore using the precautionary principle there is potential for adverse effects from activities highlighted in the screening assessment conclusion above.

8.26. Potential effects:- A potential for adverse effects arising from the proposed development and associated approved solar farm project as a whole, has been identified for the following species of the River Shannon and River Fergus Estuaries SPA as follows:

- Wetlands and Waterbirds and their ex-situ foraging resources.

8.27. Potential for adverse effect is also identified for the following species/habitats of the Lower River Shannon SAC:

- Freshwater peal mussel;
- Sea lamprey;
- Brook lamprey;
- River lamprey;
- Atlantic salmon;
- Atlantic salt meadows;
- Otters; and
- Mediterranean salt meadows.

8.28. Potential effects are described in section 5.4.1 and table 5-6 of the submitted report in consideration of the solar farm project as a whole and are summarised below:

- Physical changes to the Environment:
 - Loss of grassland and small sections of hedgerow due to solar panel installation causing disturbance to QI/SCIs.
 - Installation of drainage channels may alter surface water flow.
- Noise Emissions:
 - During construction, noise will be emitted which may disturb SCI/QI species using the areas on and surrounding the development.
- Emissions to Air (Dust):
 - During construction, dust will arise from excavation and loading and unloading of construction materials, which may disperse to the environment.
- Emissions to Water:
 - Sedimentation may result from excavation impacting water quality.
 - Concrete release into the aquatic environment impacting water quality.
 - Impacts to water quality from construction could result in adverse effect on prey biomass availability for QI/SCIs.
 - Impacts to water quality from construction could impact number, distribution and availability of habitat for QI/SCIs.
- Distance from Natura 2000 sites:
 - While none of the Special Conservation Interests were identified on the proposed solar development, the River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC is circa 800m from the proposed development.
- Temporal aspects:
 - Unmitigated construction timing could disrupt the life cycles of mobile SCI/QIs.

- Cumulative Impacts with other Projects and Plans.
 - Impacts may occur either alone or in-combination with other plans or projects.

8.29. In-combination/Cumulative effects:- Section 5.3 of the submitted report addresses in-combination effects, with plans and projects highlighted that have potential for in-combination effects alongside the solar farm project (inclusive of proposed substation) due to their size, scale and connectivity. The most prominent project that could result in cumulative effect alongside the proposed substation subject to this application, is the approved solar farm project, which has been considered as part of effects highlighted in this Stage 2 Assessment. Mitigation is proposed in light of both potential effects of the solar farm project (inclusive of proposed substation) in isolation and in-combination with potential effects arising from other projects highlighted.

8.30. Mitigation:- Table 5-8 of the submitted report outlines proposed mitigation measures and are summarised below:

- Project Ecologist to oversee construction works;
- Environmental Manager to ensure effective operation and maintenance of drainage and other mitigation measures during construction;
- Toolbox talks with workers to be provide by Ecologist;
- Sediment control measures during construction;
- Pollution control measures during construction;
- Surface water flow control measures during construction;
- Concrete control measures during construction;
- Fuel and hydrocarbon control measures during construction;
- Avifauna protection measures during construction, including the operation of works during hours of daylight to minimise disturbance to roosting birds or nocturnal species, and no lighting at night. Trimming of vegetation outside of bird breeding season and pre-work ecologist surveys with use of buffer zones if necessary, until a species has moved location;

- Otter protection measures during construction;
- Biodiversity enhancement;
- Culvert works control measures;
- Specific to the wider solar farm project – solar array cleaning and decommissioning measures.

8.31. With the application of the mitigation measures outlined in the NIS and summarised above, the NIS concludes that the project will not, alone or in-combination with other plans or projects, result in adverse effects to the integrity and conservation status of European Sites. I am satisfied with the data presented in the submitted NIS and concur with the conclusions reached with regard to the proposed mitigation measures and the overall potential significance of impact to River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC.

8.32. AA determination – Conclusion

8.33. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.34. Having carried out a Stage 1 Appropriate Assessment Screening of the proposed development, it was concluded that likely adverse effects on River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC could not be ruled out, due to proximity to these European sites, potential for ex-situ species on the site and surrounding areas, and potential hydrological links to the subject site. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.35. Following a Stage 2 Appropriate Assessment, with submission of a NIS, it has been determined that subject to mitigation (which is known to be effective) relating to measures to control construction impact, as well as measures to control and manage potential emissions, surface water flow, species protection measures, and biodiversity enhancement, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites, River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC, or any other European site, in view of the sites Conservation Objectives.

8.36. This conclusion is based on a complete assessment of all aspects of the proposed project, both alone and in combination with other plans and projects, and it has been established beyond scientific reasonable doubt that there will be no adverse effects.

9.0 Conclusion

9.1. The proposed development comprises a substation compound over 2.1ha. It includes a 435sqm 110kV 'Loop in-Loop out' substation, 2no. high mast structures at c.16m, 7no. lighting masts at c.18m, a telecom pole at c.20m, and underground cable corridors linking to existing 110kV overhead transmission lines, along with associated works. The proposed substation forms part of a wider solar farm project approved by Kerry County Council on 17th October 2023 (ref. 23/284).

9.1.1. National, regional and local planning policy all support the provision of renewable energy development and associated electricity infrastructure to support transmission and distribution of this energy via national grid. The subject site is not situated in a Visually Sensitive Area as defined under the Kerry County Development Plan 2022-2028 and is in a designated Rural General zone, where there is capacity to absorb development where it is integrated into the surroundings. The proposed development would not give rise to excessive traffic generation, traffic hazard or endanger the safety of other road users, either during the construction or operational phase. The proposed development also does not give rise to any significant negative residential amenity impacts.

9.1.2. With respect to archaeology, the Department of Housing, Local Government and Heritage accepts the mitigation described in the submitted Archaeological Assessment. The mitigation described in the submitted Archaeological Assessment will ensure adequate investigation prior to development works being carried out on the site. This mitigation can be secured by conditions in the event that the Board determine to grant planning permission.

9.1.3. A Stage 2 Appropriate Assessment has been carried out and determined that with the incorporation of mitigation, there would be no harm to the integrity of any European site.

9.1.4. Overall, the proposed development conforms with national, regional and local planning policies.

10.0 Recommendation

10.1. I recommend permission be GRANTED for the reasons and considerations set out below and subject to the following conditions.

11.0 Reasons and Considerations

11.1. Having regard to:

- a. The governments Climate Action Plan 2023;
- b. The governments Project Ireland 2040 National Planning Framework;
- c. The Regional Spatial and Economic Strategy for the Southern Assembly;
- d. The Kerry County Council Development Plan 2022-2028.
- e. The nature, scale, and extent of the proposed development.
- f. Documentation submitted with the proposed application, as well as submissions and observations from prescribed bodies, the planning authority and any third parties.
- g. The separation distances between the proposed development and dwellings or other sensitive receptors.
- h. The permitted solar farm development (reg. ref. 23/284).
- 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 absence likely significant effects of the proposed development on European Sites.

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

11.2. Appropriate Assessment – Stage 1

11.2.1. The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, zoning of the site, the Screening for Appropriate Assessment and Natura Impact Statement Report submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have an adverse effect on any European Site in view of the conservation objectives of such sites, other than River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC, which were European sites where the likelihood of adverse effects could not be ruled out.

11.3. Appropriate Assessment – Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions on the file and carried out an Appropriate Assessment of the implications of the proposed development on River Shannon and River Fergus Estuaries SPA and Lower River Shannon SAC, in view of those sites conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- a) the site-specific conservation objectives for the European site,
- b) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, and in particular the risk of impacts on water quality and disturbance of QI/SCI species,
- c) the mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site in view of the site's conservation objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

This conclusion is based on the measures identified to control the quality of surface water discharges which provide for the interception of silt and other contaminants prior to discharge from the site during construction phase, and avifauna protection measures to limit disturbance during construction phase.

12.0 Conditions

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| 1. | <p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p> |
| 2. | <p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.</p> <p>Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.</p> |

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| 3. | <p>Mitigation and monitoring measures outlined in the plans and particulars, including the NIS submitted with this application, shall be carried out in full.</p> <p>Reason: In the interest of protecting the environment and in the interest of public health.</p> |
| 4. | <p>The construction of the development shall be managed in accordance with a Construction and Environmental Management Plan, including Construction Stage Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) The appointment of a full-time, appropriately qualified environmental manager for the duration of the construction and development phases of the project. b) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains, and a site-specific water management plan providing details of measures to in accordance with the submitted NIS; c) A Construction and Demolition Resource Waste Management Plan as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D projects (EPA 2021); d) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse; e) Details of site security fencing and hoardings; f) Details of on-site car parking facilities for site workers during the course of construction; g) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; h) Measures to conform with the standards and requirements as identified by TII and the Planning Authority for the management of construction traffic and associated impacts; i) Measures to obviate queuing of construction traffic on the adjoining road network; j) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; k) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; l) Details of pre and post construction surveys to be carried out over the L-6021 and L-1012 local roads and of any culvert, including monitoring |

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| | <p>during works. In addition, details of passing bays on these local roads and dwell areas at access points;</p> <p>m) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. In the event that complaints are received regarding noise, measures to facilitate investigation by Kerry County Council and abate the nuisance;</p> <p>n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>o) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>p) Measures for the disposal of any hazardous waste encountered;</p> <p>q) The burning or burial of waste is prohibited at the site;</p> <p>r) A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, environmental protection and safety.</p> |
| 5. | <p>The developer shall comply with the following general 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 the road.</p> <p>(c) Fencing shall be dark green in colour.</p> <p>(d) Roofs shall be covered with slates or slate effect tiles either black, dark-grey or blue-black. The colour of ridge tiles shall match the colour of the roofs.</p> <p>(e) External finishes shall be neutral colour, tone and texture, the use of bright colours is not permitted.</p> <p>Reason: In the interest of clarity, of visual and residential amenity.</p> |
| 6. | <p>Sightlines to reflect details agreed in planning approval 23/284 and in accordance with recommendations in the submitted Road Safety Audit.</p> <p>Reason: In the interest of traffic safety.</p> |
| 7. | <p>The site shall be landscaped (and earthworks carried out) in accordance with the landscaping details which accompanied the application submitted,</p> |

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| | <p>unless otherwise agreed in writing with, the planning authority prior to commencement of development or as otherwise stipulated by conditions. The site shall be landscaped with suitable native Irish trees and hedges. Existing boundary screening shall be retained in full (unless otherwise detailed for removal in plans submitted with the application) and shall be suitably strengthened with native hedge species indigenous to the area. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p> |
| 8. | <p>The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> |

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| | <p>Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.</p> |
| 9. | <p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure satisfactory reinstatement of the site.</p> |
| 10. | <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 authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</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> |

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.

Rachel Gleave O'Connor
Senior Planning Inspector

20th November 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

| | | | |
|---|---|-------------------------------------|---|
| An Bord Pleanála Case Reference | 317774-23 | | |
| Proposed Development Summary | Proposed development of 110kV substation and all associated infrastructure. | | |
| Development Address | Townlands of Dromalivaun and Leanmore, near Ballylongford, Co.Kerry | | |
| 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 | <input checked="" type="checkbox"/> | |
| | 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) or does it equal or exceed any relevant quantity, area or limit where specified for that class? | | | |
| Yes | | | EIA Mandatory EIAR required |
| No | <input checked="" type="checkbox"/> | | 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 | <input checked="" type="checkbox"/> | N/A | |
| | | | No EIAR or Preliminary Examination required |
| Yes | | | |
| | | | Proceed to Q.4 |

4. Has Schedule 7A information been submitted?

N/A

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| No | | Preliminary Examination required |
| Yes | | Screening Determination required |

Inspector: _____

Date: _____