



An
Bord
Pleanála

Inspector's Report

ABP-317925-23

Development	Proposed development of 2 no. 110kV electrical substations with customer and Eirgrid compounds and 110kV grid connections.
Location	Site of c1.75 hectares at Toomes and Monvallet, County Louth. (www.movalletsolar110.info)
Planning Authority	Louth County Council
Applicant(s)	Hazelboro Limited
Type of Application	Application under the provisions of Section 182A of the Planning and Development Act, 2000, as amended.
Prescribed Bodies	Department of Housing, Local Government and Heritage, Transport Infrastructure Ireland
Observer(s)	None
Date of Site Inspection	23 rd November 2023
Inspector	David Ryan

1.0 Introduction

- 1.1. An application under the provisions of S.182A of the Planning and Development Act 2000 (as amended), was received by the Board from Hazelboro Limited for the development of 2 no. 110kV electrical substations with customer and Eirgrid compounds and 110kV grid connections.
- 1.2. The proposed development would serve the consented but not built solar farm and battery energy storage system at Toomes and Monvallet (Louth County Council planning reg. ref. 21/631), and the consented but not built solar farm and battery energy storage system extensions (Louth County Council reg. ref. 21/1478 and reg. ref.22/534) to the existing Louth (Monvallet) 275 kV ESB substation. A different grid connection entailing 2 no. 37 kV substations was permitted in reg. ref. 21/631. However due to capability constraints with the 37 kV substation design the proposal now before the Board is seeking new infrastructure in lieu of permitted infrastructure which has the capacity to connect all three phases of permitted solar farm and battery energy storage system developments to the grid. An SID application (ABP-315456-23) for a proposed 220kV substation, associated 220kV underground grid connection, cabling and associated works to serve the permitted development at this location is also currently at assessment stage by the Board.
- 1.3. Following a pre-application consultation, the Board determined (ABP-315972-23) that the proposed development falls within the scope of Section 182A of the Planning and Development Act, 2000 as amended and that the application must be made directly to the Board.

2.0 Site Location and Description

- 2.1. The 1.75 hectare site is in a rural area of northwest County Louth in the townlands of Toomes and Monvallet, c.2.5km northwest of Louth village and just to the south of the Louth-Monaghan county bounds. The site is bounded to the east by the L5141 local road. The R178 which connects Dundalk to Carrickmacross and the L1143 are located c.200 metres to the north of the site with a number of dwellings and a shop located at Ballykelly Crossroads. The rectangular site is undulating.

- 2.2. The site of the proposed substations lie within lands to be developed as Phase 1 of the Toomes and Monvallet Solar Farm and Battery Energy Storage System development permitted by Louth County Council under planning reg. ref. 21/631. The proposed substations site is located on the site of the two previously consented 37kV substations that formed part of the consented but not built solar farm and battery energy storage system development. Phase 2 reg. ref. 21/1478 of the extended scheme is located to the east of the site with Phase 3 reg. ref. 22/534 located to the south. The site entails agricultural pasture land and hedgerows with agricultural lands bounding the site to the north, west and south.
- 2.3. The proposed underground cable connection will connect into the Monvallet 275kV ESB substation site (Louth ESB 275kV substation site) which is located to the east of the site on the opposite side of the L5141 road. This existing substation and the power lines which connect to it dominate the area. A telecommunications mast is also located to the east opposite the site.
- 2.4. The Ballykelly River is located c. 290 metres to the north of the site. The Carnalughoge Stream is located c. 450 metres to the east of the site with the Tullycahan Stream located c.1.2km to the southeast of the site. These watercourses drain into the River Fane which forms part of the Dundalk Bay SAC and SPA, approx. 12km east of the site.

3.0 Proposed Development

- 3.1. A ten year permission is sought for the following:
- Proposed 2 no. 110kV electrical substations with customer and EirGrid compounds and 110kV grid connections on 1.75 ha site
 - Internal section of access road to the sub-station buildings, compounds, parking, electrical apparatus, plant and equipment; overhead and underground electrical and communications cabling;
 - 2 no. IPP buildings (modular steel construction) measuring c18.5 m x c5.5 m x c4.9 m(height), 2 no. Power Transformers, 4 no. House Transformers(House TX), parking, compound and associated works

- 1 no. EirGrid control building (masonry construction) measuring c25.0 m x c18.0 m x c.8.8 m (height), parking, compound and associated works;
- Electrical apparatus, plant and equipment; overhead and underground electrical and communications cabling and associated works;
- 2 no interface kiosks;
- Fencing, gates, 9 no. lightning masts and 12 no. lamp standards; and
- all associated works.
- The proposed underground cabling (110 kV) and ducting will extend from the proposed substation site to the existing Louth (Monvallet) 275 kV ESB substation site boundary on the opposite side of the L5141 local road.
- The proposed development is in lieu of the 2 no. 37kV sub-stations permitted under planning permission ref. 21/631.

3.2. The site entrance is to be provided to the south of the proposed substation site and this access via the L5141 was consented as part of reg. ref. 21/631.

3.3. The underground cables will be installed within the site before traversing under the L5141 into the ESB Substation. The underground cables will consist of a trench containing 3 no. 160 mm diameter power cable ducts and 3 no. 125 mm diameter comms and ECC ducts.

3.4. The Environmental Report submitted outlines the proposed development will connect a renewable energy project to the national grid, and will include solar development providing 137MW and 285MW from the Battery Energy Storage System.

3.5. The following documents are submitted with the application:

- Application form
- Letter of consent
- Copies of notification letters

- Drawing plans
- Copies of public notices
- Cover letter
- Environmental Report Volume 1
- Environmental Report Volume 2 – Appendices
- Decommissioning Plan
- Engineering Planning Report
- Preliminary Construction Environmental Management Plan
- Natura Impact Statement

4.0 Planning History

4.1. The relevant planning history is as follows:

- P.A. Reg. Ref. 21/631 – In 2021 a ten-year permission was granted for a solar farm and battery energy storage system on an approx. 42.23 hectares site including 48 no. battery storage units, two 37 kV substations (one serving the solar farm and the other serving the battery energy storage system development), and two grid connections to the Louth (Monvallet) substation. The development would have a 35 years operational life (Phase 1)
- P.A. Reg. Ref. 21/1478 – In 2022 a ten year permission was granted for alterations and an extension to the solar farm and battery energy storage system permitted under 21/631 including an additional 54 no. battery storage units. The extension area is approx. 32.93 hectares, and the development would have a 35 year operational life (Phase 2)
- P.A. Reg. Ref. 22/534 – In 2023 a ten year permission was granted for a solar farm development as an extension to that permitted under 21/631 with an area of

approx. 81.37 hectares. The development would have a 35 year operational life (Phase 3).

- ABP Reg. Ref. ABP-315972-23 – A request was received by the Board for pre-application consultation for 2 no. 110kV substations and grid connection in lieu of two permitted 37 kV substations and grid connection to facilitate permitted solar and battery energy storage system development and proposed extensions. The Board decided that the development falls within the scope of S.182A of the Planning and Development Act, 2000 (as amended).
- ABP Reg. Ref. ABP-314006-22 – A request was received by the Board for pre-application consultation for a 220 kV substation and grid connection in lieu of two permitted 38 kV substations to facilitate solar and battery energy storage system development and proposed extensions. The Board decided that the development falls within the scope of S.182A of the Planning and Development Act, 2000 (as amended).
- ABP Reg. Ref. ABP315456-23 – A SID application was received by the Board for a proposed 220kV substation, associated 220kV underground grid connection, cabling and associated works. A decision is due on 5th July 2023.

5.0 Consultations

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

- Minister of Environment, Climate and Communications
- Minister of Housing, Local Government and Heritage
- Minister of Agriculture, Food and the Marine
- Commission for Regulation of Utilities, Water and Energy
- Transport Infrastructure Ireland
- An Chomhairle Ealaíon
- An Taisce

- Failte Ireland
- Health Service Executive
- Uisce Eireann
- Louth County Council
- EirGrid
- ESB
- Heritage Council

5.2. Responses were received from the Department of Housing, Local Government and Heritage and Transport Infrastructure Ireland. The submissions are summarised below.

6.0 Submissions

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

6.2. In relation to archaeology, the Department recommends conditions be included in any grant of planning permission, including:

- the implementation of mitigation measures as set out in the assessment report submitted,
- engagement of a suitably qualified archaeologist to carry out an Archaeological Geophysical Survey under licence and report
- pre-development archaeological testing and the submission of Archaeological Impact Assessment Report
- a Construction Environment Management Plan (CEMP) taking into account archaeological/cultural heritage constraints and investigations, and to include mitigation measures, and
- submission of archaeological report.

6.3. Transport Infrastructure Ireland

6.4. TII has no observations to make.

6.5. Applicant's response to submissions

6.6. The applicant has responded to the submissions and notes the submission from TII. The applicant outlines the Department of Housing, Local Government and Heritage recommended conditions in respect of archaeology are considered reasonable to attach to a grant of permission.

7.0 Oral Hearing

7.1. There has been no request for an oral hearing. Having regard to the details on file, my site inspection and the nature of the submissions, I do not consider that an oral hearing is necessary.

8.0 Policy Context

8.1. National Level

8.2. 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. As part of its functions the Board must, 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.

8.3. The Climate Action Plan 2023 (CAP 23) follows the commitment in the Climate Act, 2021 and sets out the range of emissions reductions required for each sector to achieve the committed to targets. CAP 23 supports the acceleration of the delivery of renewable energy onto the national grid with a target of achieving 80% of electricity demand being met from renewable energy by 2030. To this end CAP 23 sets a target of providing 5GW of solar energy by 2025, and a longer-term target of 8GW by 2030.

8.4. The National Planning Framework (NPF) is a high-level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and recognises the need to harness both on-shore and off-shore potential from energy sources including solar and deliver 40% of our electricity needs from renewable sources.

8.5. It is stated in the NPF that "new energy systems and transmission grids will be necessary for a more distributed, renewables-focused energy generation system, harnessing both the considerable on-shore and off-shore potential from energy sources such as wind, wave and solar and connecting the richest sources of that energy to the major sources of demand. It is a National Policy Objective (NPO 55) 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'.

8.6. **Regional Policy Context**

8.7. Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region sets out a strategy to implement the NPF in the Eastern and Midland Region.

8.8. The following Regional Policy Objectives are noted:

- RPO 10.20 - Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner...
- RPO 10.22 - Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people..

8.9. Local Policy Context

8.10. The Louth County Development Plan 2021-2027 is the operative plan, and it came into effect on 11th November 2021.

8.11. The development plan supports renewable energy development. Chapter 10 Infrastructure and Public Utilities sets out the following objectives:

- Objective IU 64

To support the development of solar energy infrastructure in the County including commercial scale ground mounted solar PV ‘Solar Farms’ subject to environmental safeguards and the protection of natural and built heritage features, biodiversity and views and prospects.

- Objective IU 78

To support and facilitate the reinforcement and development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the County and Region. This will include the delivery of the necessary integration of transmission network requirements facilitating linkages of renewable energy proposals to the electricity and gas transmission grid, in a sustainable and timely manner, subject to appropriate environmental assessment and the planning process.

8.12. Chapter 8 Natural Heritage, Biodiversity and Green Infrastructure sets out the following objective: Objective NBG 3

- *To protect and conserve Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated under the EU Habitats and Birds Directives.*

8.13. Chapter 8 outlines the site is located within the Landscape Character Area *Louth Drumlin and Lake Areas* which is given local importance in the Landscape Character Areas of the development plan.

8.14. The Monaghan County Development Plan 2019-2025 is the operative plan, and it came into effect on 1st of April 2019.

8.15. Chapter 6 Heritage, Conservation and landscape outlines the nearest landscape character type is Flat Riverine Farmland.

8.16. **Natural Heritage Designations**

The nearest pNHA is the Drumcah, Toprass And Cortial Loughs pNHA located c. 3.3km northeast of the site. The nearest designated European sites include Stabannan-Braganstown SPA (11km from the site), Dundalk Bay SPA (11.6km from the site) and Dundalk Bay SAC (12.5km from the site).

9.0 **EIA Screening**

9.1. The Environmental Report Volume 1 prepared by Malone O'Regan Environmental (August 2023) outlines that the proposed development is not a project defined by Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, requiring a mandatory EIA. The Environment Report includes for a screening assessment based on the criteria outlined in Schedule 7 and wherein it is concluded an EIAR is not warranted. The pre-application consultation determined that the proposed development did not fall within the scope of EIAR.

9.2. Schedule 5, Part 1 and Part 2 of the Planning and Development Regulations 2001, as amended, sets out the classes of development for the purposes of EIA.

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

9.3. The proposed development of 2 no. 110kV electrical substations and 110kV connections would not come within the class of development contained in Parts 1 or 2 of Schedule 5 (of the Planning and Development Regulations 2001, as amended)

and therefore a mandatory EIA, nor screening for EIA is required for the proposed development.

- 9.4. Class 10 *Infrastructure Projects* of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended includes for *(dd) All private roads which would exceed 2000 metres in length*. Internal access tracks of approx. 135 metres will serve the development. I consider that the proposed internal access tracks are not a 'private road' by virtue of these being used as internal access tracks which will serve compound sites within the substation site and will terminate at these locations. Compound roads of approx. 185 metres will serve the development and I consider these roads are not a 'private road' by virtue of these being used as internal enclosed roads which will serve compounds only. In addition, access tracks and compound roads will consist of stone access tracks/concrete road used occasionally once the substation is operational. It is therefore my opinion that the access tracks and internal compound roads are not a 'private road' for the purposes of EIA screening.
- 9.5. I note Class 2 *Agriculture, Silviculture and Aquaculture (a)* of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, which relates to restructuring of rural landholdings and removal of field boundaries. While the consented reg. ref. 21/631 requires a set back and reinstatement of the roadside boundary at this location to facilitate sightlines, no loss of hedgerows will arise from the proposed development. I therefore do not consider that issues arise with this class of development.

10.0 **Assessment**

- 10.1. Having regard to the requirements of the Planning and Development Act 2000, as amended, the application details and documentation on file, submissions received, and relevant local/regional/national policies and guidance, I consider that the main issues in the planning assessment are as follows:
- Background
 - Principle of development and planning policy
 - Biodiversity

- Flooding
- Landscape and visual impact
- Archaeology and cultural heritage

- Noise

- Roads and traffic

- Residential Amenity

- Other Issues

- Appropriate Assessment

The following assessment is dealt with under these headings.

10.2. **Background**

10.3. The proposed development would serve to connect the consented solar farm and battery energy storage system (21/631) and consented solar farm and battery energy storage system extensions (21/1478, 22/534) to the existing Louth (Monvallet) substation. The background for the proposed development (outlined in application documentation and pre-app report) outlines a different grid connection entailing 2 no. 37 kV substations was permitted in reg. ref. 21/631. However due to capability constraints with the 37 kV substation design the proposal is now seeking new 'tail-fed' substation infrastructure in lieu of permitted infrastructure which has the capacity to connect all three phases of permitted solar farm and battery energy storage system developments to the grid. The Board decided that the development falls within the scope of S.182A of the Planning and Development Act, 2000 (as amended). The 3 phases of permitted developments were subject to Appropriate Assessment and therefore an NIS was deemed required by applicant as the proposed development site lies within the catchment of watercourses connecting to Dundalk Bay SPA and SAC.

10.4. In relation to the connection methods, the applicant outlines a connection offer was made by Eirgrid and accepted by applicant in January 2023 for Phase 1 proposing a

110 kV connection. Eirgrid consider that a 220 kV connection is oversized for phase 1 in isolation and it is their policy not to take into consideration future phases until such time as they have successfully passed through an Enduring Connection Policy (ECP) process. The applicant outlines Phases 2 and 3 will take part in the ECP process scheduled for Q4 2023 after which there will be two potential connection methods, i.e either one single 220 kV substation and connection, or 2 no. 110 kV substations and associated 2 no. underground connections, the latter of which forms the development the subject of this application.

10.5. **Principle of Development and Planning Policy**

- 10.6. The proposed development comprises 2 no. 110kV electrical substations, 110kV grid connections and associated electrical and other infrastructure, which is required to connect a permitted solar farm and battery energy storage system (Phase 1) and its permitted extensions (Phases 2 and 3) to the national grid. The background to connection offers is outlined in section 10.4.
- 10.7. National Policy (including the NPF and Climate Action Plan 2023) include objectives to support proposals which aim to achieve a climate neutral economy. In line with EU ambition, the Programme for Government, Our Shared Future commits to achieving a 51% reduction in Ireland's overall GHG emissions from 2021 to 2030, and to achieving net-zero emissions no later than 2050. The National Planning Framework National Strategic Outcome (NSO) 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and includes National Policy Objective (NPO 55) 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', while the need for new energy systems and transmission grids are recognised.
- 10.8. At a regional level, the Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region, Policy Objectives RPO 10.20 and RPO 10.22 support the upgrading and provision of new infrastructure to integrate renewable energy sources and meet future energy needs. At a local level, the proposed development accords with the Louth County Development Plan Objectives IU 64 and IU78 which support the development of energy infrastructure, including the integration of

transmission network requirements facilitating linkages of renewable energy proposals.

- 10.9. The site is located in a rural location on agricultural pasture land which is not covered by any specific land use zoning objective in the development plan.
- 10.10. The principle of a solar farm and battery energy storage system has been accepted under P.A.reg. ref. 21/631, reg ref. 21/1478 and reg. ref. 22/534. The principle of any development required to enable the permitted developments should therefore also be acceptable in principle subject to an assessment under any other relevant criteria, as set out below.
- 10.11. The permitted solar farm and battery energy storage system (P.A.reg. ref. 21/631) included 2 no. 37kV substations each with IPP buildings and 2 no. grid connections on the slightly reduced site of 1.4887 hectares from that which is proposed at this same general site location. Permitted gantry's included for a maximum height of 13.08 metres with permitted lighting protection masts reaching a height of 8.27 metres. The proposed substations site compound will include for a palisade boundary fence 2.6 metres high on an increased site measuring 1.75 hectares and comprises the following:
- Proposed 2 no. 110kV electrical substations with customer and EirGrid compounds and 110kV grid connections
 - Internal section of access road to the sub-station buildings, compounds, parking, electrical apparatus, plant, and equipment; overhead and underground electrical and communications cabling;
 - 2 no. IPP buildings (modular steel construction) measuring c18.5 m x c.5.5 m x c4.9 m(height), 2 no. Power Transformers, 4 no. House Transformers(House TX), parking, compound and associated works
 - 1 no. EirGrid control building (masonry construction) measuring c25.0 m x c18.0 m x c.8.8 m (height), parking, compound and associated works;
 - Electrical apparatus, plant and equipment; overhead and underground electrical and communications cabling and associated works;
 - 2 no interface kiosks;

- Fencing, gates, 9 no. lightning masts (16.5 metres in height) and 12 no. lamp standards; and
- all associated works.
- The proposed underground cabling (110 kV) and ducting will extend from the proposed substation site to the existing Louth (Monvallet) 275 kV ESB substation site boundary on the opposite side of the L5141 local road.
- The proposed development is in lieu of the 2 no. 37kV sub-stations permitted under planning permission ref. 21/631.

10.12. The proposed and permitted substation developments are different from each other, although the proposed 110kV underground grid connections line will largely follow the path of the 37 kV line permitted.

10.13. Having regard to the nature and scale of the proposed development, the location of the site and the national, regional and local planning policy which supports the development of renewable energy, I consider the principle of the development acceptable. The proposed developments alignment with relevant development plan objectives is addressed in the following sections.

10.14. **Biodiversity**

10.15. Chapter 6 of the Environmental Report prepared by Malone O'Regan Environmental deals with Biodiversity. The report states an ecological appraisal of the site has been carried out by fully qualified ecologists. A habitat survey was carried out in October 2020, with field surveys undertaken in March 2021, September 2022 and April 2023. Reference is made to surveys carried out for phase 1 of the scheme (P.A Reg. reg. 21/631). The site was assessed for its potential to host amphibians. Badger surveys have been undertaken. Site assessments have been undertaken for bats, birds and invasive species.

10.16. The Environmental Report states the majority of the site is comprised of agricultural grassland used for livestock grazing. The main habitats on the site include Improved Agricultural Grassland (GA1) and Hedgerows (WL1). I note the northeastern area of the site entails a public road. The Ballykelly River is located c. 290 metres to the

north of the site. The Carnalughoge Stream is located c. 450 metres to the east of the site with the Tullycahan Stream located c.1.2km to the southeast of the site. These watercourses drain into the River Fane. The report outlines there are no NHAs or pNHAs within or directly adjacent the site, with the nearest pNHA being Drumcah, Toprass and Cortial Loughs pNHA located 3.3km to the northeast. A Natura Impact Statement is submitted with the application and impacts on Natura Sites are considered in Section 11 of this Inspectors Report.

10.17. The report states the Improved Agricultural Grassland habitat is of Low Local Value with no protected species identified within this habitat during surveys. Hedgerows are identified as a High Local Value habitat and will be retained and protected. The report outlines that all works will be set back c.6 metres from this habitat. To facilitate the entrance permitted in Phase 1 (P.A reg. ref 21/631) I note some hedgerows will be removed and reinstated.

10.18. In relation to impacts on species, consideration is given to amphibians, badger, bats, and birds. The report outlines no invasive species were identified onsite. It is stated that the site does not provide suitable habitat for native amphibian species and therefore this receptor is screened out from further consideration.

10.19. The Environmental Report states the NBDC (National Biodiversity Data Centre) holds records for **badgers** within 2km of the site, however the survey did not identify any evidence of badger onsite and no active badger setts were identified in the site. It is stated the hedgerow on the perimeter of the site could provide suitable foraging and commuting habitat with the grassland providing further suitable foraging habitat for badgers and linear features will be retained onsite. While the report considers it unlikely that impacts on badgers will occur, it is outlined there is potential for the species to become trapped in trenches/excavations during the construction phase. Having regard to the nature of the site, the survey carried out and the retention of the linear feature onsite, I consider that impacts on badgers are unlikely, subject to the application of appropriate mitigation measures during the construction phase.

10.20. The report states the NBDC holds no records of **bats** with 2km of the site in the past 10 years. The report outlines the hedge/tree line is considered suitable for commuting and foraging bats, however no features considered suitable to support roosting bats were identified. The report states a 6 metre buffer between all works

and the existing hedge will be implemented and that given the nature of the habitats to be impacted it is considered unlikely that any impacts on bats will occur. As the hedgerow habitat is to be retained, I consider that impacts on bats are unlikely, subject to the application of appropriate mitigation measures during the construction phase.

10.21. Green listed **bird** species recorded onsite include Jackdaw and magpie, with amber listed species Starling also recorded. The Environmental Report states as the hedge line is to be retained and protected, overall it is not considered the proposed development will have a significant impact on birds. Having regard to the bird species and habitats recorded onsite which can be found in such rural locations and the abundance of suitable habitat in the area, I consider that any short term displacement possibly occurring during construction would not lead to any long-term impacts on bird species.

10.22. Mitigation Measures

10.23. Mitigation measures are set out in Section 6.15 of the Environmental Report. An Ecological Clerk of Works (ECoW) will be appointed for the duration of the project. Ecological measures incorporated into the design will include the protection of retained trees and hedgerows, entailing implementation of a 6m buffer zone of unexcavated ground maintained along retained hedgerow and treelines, root treatments within buffer zone, fencing of vegetation, and material and equipment storage measures. Measures for non-volant mammals include a pre-construction survey to confirm absence of terrestrial mammals within or close to works area, protection measures to prevent mammals ingress to excavations, consultation with ECoW should construction works be required outside of daylight hours during site clearance works, advice of ECoW to be sought on identification of unidentified burrows. Should breeding birds nests be identified within the active working area works will stop and the ECoW will be consulted. Measures to mitigate against the introduction of invasive species will include for biosecurity measures.

10.24. I note the proposed development includes for a number of measures to ensure for the protection of retained trees and hedgerows onsite. I also note that the roadside hedgerow to the southeastern area of the proposed development site is required to be set back and reinstated in order to facilitate safe access to the site from the

permitted entrance to the south of the site in accordance with the terms and conditions of P.A Reg. Ref. 21/631.

10.25. Having regard to the hedgerow/tree treatments outlined for the proposed development and the hedgerow reinstatement required in P.A Reg. Ref. 21/631, in order to ensure for the preservation of the hedgerow/trees to the eastern site boundary, I consider that a site specific Landscape Plan should be outlined for the proposed development, and this can be addressed by way of condition should the Board be minded to grant permission.

10.26. Conclusion on Biodiversity Matters

10.27. No impacts or potential for impacts have been identified on nationally designated sites i.e proposed NHAs or NHAs. I note that the construction works are temporary in nature and the immediate local area entails agricultural pasture and tillage lands with an established substation located to the east of the site. Having regard to the existing baseline, the Environment Report submitted and the mitigation measures as set out, I am satisfied that the mitigation measures are capable of being successfully implemented. This is a relatively common construction project of relatively limited construction phase duration and I do not consider that the proposed development would have an undue adverse impact on the biodiversity of the area.

10.28. **Flooding**

10.29. The Environmental Report dated August 2023 includes for a Site Specific Preliminary Flood Risk Assessment (PFRA) in Chapter 7 Water. The purpose of the chapter is to assess the likely hydrological/hydrogeological impacts to water, including flood risk, during all phases of the proposed development. The PFRA has been undertaken having regard to The Planning System and Flood Risk Management – Guidelines for Planning Authorities. The PFRA has been informed by the PFRA submitted for P.A Reg. Ref. 21/631, its site investigations undertaken in July 2021 and surveys carried out in March 2021 and September 2022.

10.30. The PFRA states based on available predictive flood mapping, the site can be categorised as Flood Zone C as outlined in the Flood Risk Management Guidelines. Design measures including permeable stone hardcore surfacing and a SuDS

approach for surface water drainage have been implemented to ensure the proposed development does not pose a pluvial flood risk. A CEMP is to be implemented to ensure that construction works will have no significant impacts.

10.31. Having regard to the sites location within Flood Zone C the proposed development is considered appropriate from a flood risk perspective. I am satisfied that sufficient detail has been provided and consider that the proposed development would not be subject to flooding nor will it increase the risk of flooding elsewhere.

10.32. **Landscape and Visual Impact**

10.33. The Environmental Report includes for a Landscape and Visual Impact Assessment (LVIA) carried out by Malone O'Regan Environmental. The report assesses the landscape and visual impacts of the proposed development on the receiving environment, identifying a 5km radius with a focus on receptors within 1km of the site. Details submitted outline the LVIA report was prepared by Macros Works, a landscape consultancy firm specialising in LVIA. The study is supported by 6 photomontages taken from various receptor types within the study area. A number of the photomontages include for existing views, pre-mitigation views and-post mitigation views.

10.34. A notable feature of the proposed development from that outlined in the permitted scheme is the utilisation of pole supports in place of the latticed infrastructure/gantry supports. I also note that the proposed scheme includes for lightning protection masts.

10.35. The site is located within the 'Louth Drumlin and Lake Areas' Landscape Character Area in the Louth County Development Plan 2021-2027 and has 'local' importance. Key characteristics of the area in the Louth Landscape Character Assessment (LLCA) completed in 2002 include it forms the southeast tip of the large Drumlin areas extending into Connaught and Ulster and the dominance of power lines. In relation to landscape sensitivity the LLCA outlines this area is sensitive to change but the forces for change are not as intense as in the rest of the county and existing hedgerows are generally robust and in themselves add a distinctive feature to the Drumlin Landscape. I note there are no scenic routes in the vicinity of the site in the

Louth County Development Plan 2021-2027. The existing Louth ESB 275kV substation and the power lines which connect to it dominate the area.

- 10.36. The LVIA outlines in relation to the Monaghan County Development Plan 2019-2025 which occupies the northwestern quadrant of the study area, the nearest landscape character unit is LCT 6 – Flat Riverine Farmland, which lies within the broader Landscape Character Area LC9 – Carrickmacross Drumlin and Lowland Farmland. The Monaghan Landscape Character Assessment completed in 2008 states this is a moderately scenic landscape and would not be considered to be highly sensitive to change and I note there are no scenic routes within the study area.
- 10.37. In relation to visual impacts, the LVIA which includes for the permitted phase 1 and 2 solar farms, states that for Viewpoint 1 the proposed development results in a minor legible adjustment to the baseline view, with the design of the substation giving the impression of a rural dwelling, and the magnitude of visual impact is deemed negligible. In relation to Viewpoint 2, the LVIA outlines due to the presence of vegetation, the landform and mitigation planting will result in a low visual impact. VP3, 5 and 6 will be screened by vegetation, dwellings, sheds and the LVIA considers the magnitude of impact arising at these locations will be negligible. VP4 taken adjacent to the site indicates the scale of changes to the permitted substation scheme. The LVIA outlines the proposed development will not be visible from this VP once mitigation planting becomes established, and the magnitude of the visual impact is negligible.
- 10.38. The LVIA deems the sensitivity of the receiving landscape as Medium-Low. The LVIA considers the magnitude of landscape impacts, relative to the baseline scenario of the permitted development will be negligible and the resulting significance, imperceptible. I note the LVIA outlines the mitigation and restoration measures proposed as part of the Landscape Mitigation Plan for Phase 1 (P.A Reg. Ref. 21/631) would be implemented for the proposed development, which includes for hedgerow retention and planting. The LVIA concludes it is not considered that there will be any significant effects arising from the proposed development.
- 10.39. The main component of the proposed development that could have a visual impact is the substation compound development, with the cable route being underground within agricultural lands and a public road and therefore will not have any visual

impact following reinstatement. Following an inspection of the site and the surrounding area, I consider there is limited visibility of the proposed development when viewed from the west, east and north for the most part, as demonstrated in the LVIA, given the extensive network of hedgerows and treelines, structures including the Monvallet substation, topography and separation distances to residential development. I consider a medium to low visual impact would arise on the L5141 local road adjacent the site, especially on the approach from a southerly direction as the compound would be located within the centre of the viewing frame. However this road is not a scenic route and these impacts would be mitigated by the height of the existing hedgerow and tree vegetation and the landscape mitigation plan proposed. Having regard to the scale and nature of the scheme, site and landscape context and the demonstration of the visual and landscape effects in the LVIA, I consider the proposed development would not likely result in an adverse visual impact on receptors and that any visual impacts arising on the landscape at this location would range from low to negligible.

10.40. As the proposed site layout is different to that consented in L.A.Reg.Ref. 21/631, I consider that a site specific landscape plan should be detailed for the proposed development, and this can be addressed by way of condition should the Board be minded to grant permission.

10.41. In conclusion, I do not consider that the proposed development would result in any significant adverse impact on the landscape or visual amenities of the area.

10.42. Archaeology and Cultural Heritage

10.43. Chapter 10 of the Environmental Report deals with Cultural Heritage. An Archaeological, Architectural and Cultural Heritage Assessment was prepared by M.F. Hurley, Consultant Archaeologist, which was informed by field inspection, documentary and cartographic research and aerial photographs. The assessment had regard to Ordnance Survey maps, topographical survey, the Record of Monuments and Places, and National Museum of Ireland files.

10.44. There are no recorded monuments within the site with the nearest recorded monument (Enclosure LH011-133) located approx. 428 metres from the site. The nearest NIAH is Monvallet House which is located approx. 857 metres from the site.

The assessment outlines there will be no direct impact on any known archaeological monument or feature, either physically or visually and proposed mitigation includes for archaeological monitoring of ground disturbance.

10.45. An archaeological assessment was submitted for P.A.reg. ref. 21/631 with a condition in the consent requiring a geophysical survey to be carried out for the entire site, in order to detect any subsurface archaeological features.

10.46. I note the submission of the Department of Housing, Local Government and Heritage, Development Applications Unit, which recommends conditions be included in any grant of permission. The DAU require the implementation of mitigation measures as set out in the assessment submitted, the engagement of a suitably qualified archaeologist to carry out an Archaeological Geophysical Survey under licence and report, pre-development archaeological testing and the submission of Archaeological Impact Assessment Report, a Construction Environment Management Plan (CEMP) taking into account archaeological/cultural heritage constraints and investigations and to include mitigation measures, and the submission of a final archaeological report.

10.47. The proposed development will not impact on any recorded archaeological monuments and structures of architectural heritage interest. Any potential for impacts on unknown archaeological monuments or features would be removed subject to the implementation of mitigation measures and compliance with conditions including monitoring and recording. I am satisfied, subject to appropriate conditions, that the proposed development is satisfactory from an archaeological, architectural and cultural heritage perspective and that no significant adverse effects are likely to arise.

10.48. **Noise**

10.49. A noise impact assessment prepared by Malone O'Regan is included in the Environmental Report (August 2023). Three baseline noise surveys were completed in October 2021 with 16 Noise Sensitive Receptors (NSRs) identified and assessed. The receptors include one-off dwellings and proxies for dwellings. Noise modelling was carried out using software and fixed plant emissions. The closest NSR (NSR01) to the site is approximately 115 metres.

- 10.50. The noise assessment concludes that at construction phase, standard construction noise from the proposed development will not breach noise limits at NSR's. Mitigation measures are set out for the construction phase for the proposed development, which include management of site activities, use of plant, noise screens, acoustic hoarding, siting of site compound, a plant and equipment policy, working method statements, noise complaint mechanism and implementation of a CEMP. The assessment outlines utilisation of these measures will ensure no noise impacts will occur at local receptors.
- 10.51. Having regard to the nature and scale of the proposed development, the low density of residential development in the area, separation distances between the site and neighbouring dwellings and the relatively limited construction duration, I do not consider that significant adverse effects by way of noise are likely to arise on the amenities of the area during the construction phase subject to the mitigation measures set out in the Environmental Report and implementation of a final CEMP.
- 10.52. In relation to operational noise, I consider the main source of noise arising from the proposed development is likely to be from the substation power transformer. The assessment report submitted indicates a predicted noise level of 89 dB (A) for the power transformer, with a sound pressure of 61 dB (A) at 10m. The report states that predicted operational noise level at the nearest NSR will be $L_{Aeq, T} 30dB$ which is a low value. The report outlines no noise nuisance impacts will occur at NSRs for both day-time and night-time cumulative operations and therefore no noise mitigation measures are warranted for this stage. I do not consider that significant effects by way of noise are likely to arise during the operational phase. However, I consider a condition limiting operational noise be included, should the Board be minded to grant permission.

10.53. Roads and Traffic

- 10.54. Chapter 11 Material Assets-Traffic outlines there will be a single construction programme for the proposed development and permitted developments (Phases 1-3). The report includes for site access considerations, details on construction programme, and traffic and management measures. The report outlines the chapter

and commitments within will be used to prepare a Construction Traffic Management Plan (CTMP).

- 10.55. The report outlines construction will take place over 14 months, deliveries will be to 2 no. onsite construction compounds with Compound A located adjacent the proposed site access, parking will occur onsite, with traffic generated over the lifetime of the development being limited to a number of movements per year. The construction duration for substations is expected to last 50 weeks. Construction traffic will access the site via the M50, M1, N33, R171, local roads and the L5141. Site access will be via an access that was authorised as part of phase 1 of the permitted development L.A reg. ref. 21/631.
- 10.56. Traffic management measures will include for the implementation of a CTMP to instruct delivery and route compliance for the proposed development and permitted developments (Phases 1-3), the use of vehicle compounds, site management, transport co-ordination, and will entail a complaint mechanism. I note details on the delivery of abnormal loads are not included.
- 10.57. Traffic management signage will be erected for all construction works. Temporary trenching of the L5141 is proposed to facilitate the underground grid connection and the report outlines to ensure safe passage of traffic trained flagman will be assigned to control such movements.
- 10.58. In conclusion, the Environmental Report outlines the main potential period in which traffic issues might arise will be the construction phase, with no potential for traffic impacts to arise at the operational stage of the proposed development.
- 10.59. I note the submission from Transport Infrastructure Ireland who has no observations to make.
- 10.60. I note that the proposed traffic route to the site was approved as part of the consented solar farm, battery energy storage system, substations and grid connections development (L.A. reg. ref.21/631) to serve the construction phase of the permitted scheme. I also note that terms of permission for L.A. reg. ref.21/631 included for conditions requiring adequate sightlines at the entrance, road strengthening works to be carried out on a short section of the L5141 adjacent the permitted site entrance and for the submission of a site specific Traffic Management Plan.

10.61. Having regard to the application documentation, my site inspection and the temporary nature of the construction phase, I am satisfied that any negative traffic and amenity impacts arising as a result of the construction phase of the proposed development can be dealt with by way of implementation of a CTMP which should include for proposals to facilitate the delivery of abnormal loads to the site. I consider this can be addressed by way of condition, should the Board be minded to grant permission.

10.62. Residential Amenity

10.63. The site is located within a large agricultural holdings located adjacent to a public road and is c.115 metres from the nearest residential dwelling. I note that no third party observations have been submitted in respect of the proposed development.

10.64. A Preliminary Construction and Environmental Management Plan has been submitted which outlines the overall construction period for all phases of development including the proposed development will take c.14 months, with the substation construction phase lasting c.50 weeks.

10.65. Having regard to the separation between the proposed development and existing residential development, the temporary nature of the construction phase, and my assessment in relation to issues of noise, visual impacts and traffic, I do not consider that significant impacts on residential amenity are likely to occur during the construction phase. However, given the proposed development is connected to 3 Phases of permitted solar and battery energy storage developments, should the Board be minded to grant permission, I consider that a construction and environmental management plan should be prepared, prior to the commencement of development works on the site and should be required as a condition of any planning permission.

10.66. In relation to the operational phase, having regard to separation distances, the low density of residential development and the assessment of issues, I consider that no significant adverse impacts on residential amenity during the operational stage are likely to arise.

10.67. **Other Issues**

10.68. **Drainage**

10.69. An Engineering Planning Report dated August 2023 has been prepared by Malone O'Regan Consulting Engineers. This outlines a SuDs approach is proposed for surface water drainage. Rainfall runoff from the control building roof will be piped to a rainwater harvesting tank for reuse in the onsite toilets with the majority of runoff draining to a soak away. The report outlines the surfacing of the access road with permeable stone hardcore and siting of hardcore access roads will enable for runoff to permeate to ground and drain freely into surrounding free draining areas. The report states the remainder of the compound consisting of hardcore stone material will enable rainfall to permeate to ground as per green field conditions.

10.70. The report outlines projected attendance onsite at operational stage will be 2-3 people one day very fortnight. Foul drainage will catered for in a 2,800 litre tank for temporary holding storage which will be emptied every 3 months by a licenced waste collector. The report states that drinking water requirements will be met by using bottled water.

10.71. The nearest watercourse is the Ballykelly River located c.290 metres to the north of the site. There are no watercourses onsite with a drain noted onsite, which was dry on date of site visit.

10.72. Having regard to the nature and scale of the proposed development, the surface water drainage system as outlined and the projected limited employee attendance to occur onsite over the lifetime of the development, I consider the proposed onsite servicing provisions appropriate and are standard for developments of this type.

10.73. **Duration of Permission and Decommissioning**

10.74. The applicant is seeking a ten year permission. This would be consistent with the duration of the permitted solar farm, battery energy storage system, substation and grid connection development and its permitted extensions, and I consider this duration would be appropriate, should the Board be minded to grant permission.

10.75. The permitted solar farm, battery energy storage system, substation and grid connection development and its permitted extensions have an operational lifetime of 35 years, after which the site is to be reinstated in accordance with a

decommissioning plan, unless planning has been granted for a further period. The developer is required to lodge a deposit with the Planning Authority to ensure the satisfactory restoration of the site (Condition 8 of L.A Reg. Ref. 21/631).

The Decommissioning Plan submitted states at the cessation of electricity generation by the solar farm the proposed development and solar and battery storage facility will be fully decommissioned and land reinstated to former agricultural use within 12 months. I consider it appropriate for a bond to apply to any grant to secure the decommissioning of the site, and this can be addressed by way of condition should be Board be minded to grant permission.

10.76. Development Contributions

10.77. The proposed development does not fall within any exemptions set out in the Louth County Development Contribution Scheme (dated 2023). I consider a condition should be attached requiring payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000, as amended, should the Board be minded to grant permission.

11.0 Appropriate Assessment

11.1. Introduction

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

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

11.4. The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal

will not adversely affect the integrity of the European site before consent can be given.

11.5. Screening for Appropriate Assessment - Test of likely significant effects

11.6. The proposed development is not directly connected with or necessary to the management of any European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).

11.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

11.8. Description of Development

11.9. The proposed development is described in Section 3 above, Section 3 of the NIS and in other accompanying documentation including the Environmental Report. The proposed development comprises 2 no. 110kV electrical substations, 110kV grid connections and associated electrical and other infrastructure that will facilitate connection of a permitted solar farm and battery energy storage system development (Louth County Council - reg. ref. 21/631) and its permitted extensions (Louth County Council reg. ref. 21/1478 and reg. ref.22/534) to the existing Louth (Monvallet) 275kV Substation site on the opposite side of the L5141 road.

11.10. The substation compound comprises 2 no. single storey buildings and a control building. Plant and equipment will include for 2 no. Power Transformers, 4 no. House Transformers, overhead and underground electrical and communications cabling, 2 no. interface kiosks, 9 no. lightning masts, lighting and internal access roads. The underground cables will be installed within the site before traversing under the L5141 into the ESB Substation. The underground cables will consist of a trench containing 3 no. 160 mm diameter power cable ducts and 3 no. 125 mm diameter comms and ECC ducts. Localised levelling works will be required, with substations comprising concrete foundations for transformers and electrical equipment, with the remainder of the area filled with crushed rock. The site entrance is to be provided to the south of the proposed substation site and this access via the L5141 was consented as part of reg. ref. 21/631. The site will be served by a construction compound located to the south adjacent the site.

11.11. A screening report for Appropriate Assessment is included as part of the NIS, prepared by Malone O'Regan Environmental, dated August 2023. The screening report was prepared in accordance with best practice and provides a description of the proposed development, identifies European Sites within a zone of influence, and assesses the potential for likely significant effects.

11.12. Field based surveys including a habitat survey have been undertaken to inform the AA Screening report and NIS. Information forming part of an overall ecological assessment for the site was used to inform the assessment of potential adverse effects on Annex 1 Species and Habitats. The screening report can be read in conjunction with the Environmental Report, Preliminary Construction Environmental Management Plan, Engineering Planning Report and Decommissioning Plan which accompany the planning application.

11.13. The site is described in Section 3 of the NIS. The site is described as being comprised of agricultural grassland and hedgerows with the northern, southern and western boundaries bound by agricultural fields and the eastern boundary by a local road R5141. The site is situated within the Newry, Fane, Glyde and Dee Catchment and the Fane_SC-020 subcatchment. The NIS outlines no watercourses or drainage ditches were identified within the site, however there are 3 no. hydrological features of note in the vicinity. These include the Ballykelly River located c. 270 metres to the north of the site, the Carnalughoge Stream located c. 415 metres to the east of the site and the Tullycahan Stream located c.1km to the southeast of the site. These watercourses drain into the River Fane which forms part of the Dundalk Bay SAC and SPA, approx. 12 km east of the site.

11.14. **European Sites**

11.15. The AA screening report details there are 3 no. European Sites which are located within a possible zone of influence of the proposed development and these are presented in a table below.

11.16. Having regard to the information presented in the NIS, the nature, size, and location of the proposed development, its likely direct, indirect, and cumulative effects, the source-pathway-receptor principle, and sensitivities of the ecological receptors, I concur with the applicants screening determination that no other European Sites could be affected by the proposed development.

European sites considered for Stage 1 screening (Table 1.1):

European site (SAC/SPA) and distance	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
Dundalk Bay SAC (000455) 12.4 km	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glaucopuccinellietalia maritima) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p>	To maintain or restore the favourable conservation condition of the QI	<p>No – There is no hydrological connection between the proposed development site and SAC</p> <p>Yes - Proposed development and permitted developments (Louth County Council planning reg. ref. 21/631, reg. ref. 21/1478 and reg. ref.22/534) – hydrological connection exists between sites and SAC</p>	Y
Dundalk Bay SPA (004026) 12.4 km	<p>Great Crested Grebe (Podiceps cristatus) [A005]</p> <p>Greylag Goose (Anser anser) [A043]</p> <p>Light-bellied Brent Goose (Branta</p>	To maintain the favourable conservation condition of the QI	<p>No – There is no hydrological connection between the proposed development site and SPA</p> <p>Yes - Proposed development and permitted developments (Louth County Council</p>	Y

European site (SAC/SPA) and distance	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Mallard (Anas platyrhynchos) [A053] Pintail (Anas acuta) [A054] Common Scoter (Melanitta nigra) [A065] Red-breasted Merganser (Mergus serrator) [A069] Oystercatcher (Haematopus ostralegus) [A130] Ringed Plover (Charadrius hiaticula) [A137] Golden Plover (Pluvialis apricaria) [A140]		planning reg. ref. 21/631, reg. ref. 21/1478 and reg. ref.22/534)– hydrological connection exists between sites and SPA	

European site (SAC/SPA) and distance	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
	<p>Grey Plover (Pluvialis squatarola) [A141]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Knot (Calidris canutus) [A143]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Black-headed Gull (Chroicocephalus ridibundus) [A179]</p> <p>Common Gull (Larus canus) [A182]</p> <p>Herring Gull (Larus argentatus) [A184]</p> <p>Wetland and Waterbirds [A999]</p>			

European site (SAC/SPA) and distance	Qualifying Interests QI / Special conservation interests (SCI)	Conservation Objective	Connections/source/pathways	Considered further in screening. y/n
Strabannan-Braganstown SPA (004091) 10.7km	Greylag Goose (Anser anser) [A043]	To restore the favourable conservation condition of the QI	No - Given the distance, intervening lands and lack of impact pathways	N

11.17. The AA Screening Report outlines the site is not located within or adjacent to any European Site and no direct hydrological connections were identified between the proposed development and any designated European Sites. It is however outlined that there will be one single construction project comprising of the proposed development and permitted solar farm developments (Louth County Council planning reg. ref. 21/631, reg. ref. 21/1478 and reg. ref.22/534). The AA Screening Report outlines out of an abundance of precaution, and as there is a hydrological connection between the permitted developments and Dundalk Bay SAC and Dundalk Bay SPA, these European sites have been screened in for further consideration to assess potential adverse effects resulting from the proposed development.

11.18. Taking into account the nature and scale of the proposed and permitted developments, the following were considered in terms of having a potential to have a likely significant effect on European Sites:

- Habitat loss/degradation
- Water quality impairment
- Disturbance to Species

11.19. The AA screening report concluded in the absence of appropriate mitigation measures, likely significant effects from the proposed and permitted developments

cannot be ruled out for the Dundalk Bay SAC and Dundalk Bay SPA, in view of the conservation objectives of these European Sites. A Stage 2 (Appropriate Assessment) was therefore determined to be required to assess the potential for adverse effects to arise on these European Sites as a result of the proposed development.

11.20. The AA screening report ruled out the possibility of significant effects arising on the Strabannan-Braganstown SPA (004091) based on the separation distance from the application site and the lack of impact pathways to the site.

11.21. Taking into account the documentation submitted I am satisfied that the information allows for an examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

11.22. Appropriate Assessment Screening Determination

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Based on the available documentation, I concur with the screening report and its conclusion that the project individually (or in combination with other plans or projects) could have a significant effect on European Sites Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

I also concur with the screening report conclusion in relation to the Strabannan-Braganstown SPA (004091) which has been screened out for the need for appropriate assessment. The possibility of significant effects on this site is excluded on the basis of objective information, which is based on the separation distance from the application site and intervening lands and lack of impact pathways to the site.

11.23. This screening determination is not reliant on any measures intended to avoid or reduce potential harmful effects of the project on a European Site.

11.24. The Natura Impact Statement

- 11.25. The application is accompanied by an NIS which describes the proposed development, the project site and area, European Sites within the zone of influence, includes an assessment of potential impacts, an in-combination assessment, mitigation and a conclusion.
- 11.26. Having carried out Screening for Appropriate Assessment of the project, it has been determined that likely significant effects from the project individually (or in combination with other plans or projects) on European Sites Dundalk Bay SAC (000455) and Dundalk Bay SPA (004026) cannot be excluded and Appropriate Assessment is therefore required.
- 11.27. The NIS submitted and prepared by Malone O'Regan Environmental dated August 2023 was informed by best practice guidance, desktop and site surveys, ecological assessments, NPWS website, Louth County Council planning portal, Department of Housing, Local Government and Heritage's planning Portal, EPA maps website, and the National Biodiversity Data Centre website.
- 11.28. Section 7 of the NIS contains an assessment of potential impacts of the proposed development on the identified European Sites. Details of mitigation measures are provided in Section 7.1.3 of the NIS. Section 7.2 includes for a consideration of in-combination effects with permitted and proposed developments and states that the proposed development will not, either alone or in combination with other plans or projects, be likely to have significant effects on European Sites. The NIS concludes that the proposed development will not, either alone or in combination with other plans and projects, adversely affect the integrity of the Dundalk Bay SAC and SPA or any other European Sites in light of the sites conservation objectives and best scientific knowledge and no reasonable scientific doubt exists in relation to this conclusion.
- 11.29. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions and does clearly identify the potential impacts. In relation to the use of best scientific information and knowledge I note the applicant has referenced the Europeans Sites qualifying interests and has referenced the report on the conservation objectives for the sites on the NPWS website. Sections 11.36-11.46 and 11.62-11.71 of this Inspectors Report include for an examination of qualifying interests and conservation objectives

and Table 11.2 summarises the Appropriate Assessment and site integrity test. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

11.30. I note that no observation or submission has been received from any prescribed body or third party that relates to impacts on a European site.

11.31. **Appropriate Assessment Stage 2**

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

11.33. **Dundalk Bay SPA (004026)**

11.34. Description of Site

11.35. Dundalk Bay is a large open shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula, in the north, to Annagassan/Salterstown in the south. The site is of international importance because it regularly supports an assemblage of over 20,000 wintering waterbirds.

11.36. Dundalk Bay SPA (004026) Conservation Objectives

11.37. The conservation objectives are set out in the 'Conservation Objectives Series for Dundalk Bay SAC (000455) Dundalk Bay SPA (004026)' document published by the Department of Arts, Heritage and the Gaeltacht. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Site attributes, targets and measures are set out for each QI. For all QI the conservation objective is to maintain the favourable conservation condition.

11.38. For the QI/SCI and conservation objectives (aside from Wetlands & Waterbirds) set out in the 'Conservation Objectives Series for Dundalk Bay SPA (004026)' document, I note targets and attributes state 'long term population trend stable or

increasing' and 'No significant decrease in the range of areas used, other than that occurring from natural patterns of variation'. For QI/SCI Wetlands & Waterbirds, targets and attributes state 'the permanent area occupied by the wetland habitat is stable and not significantly less than the areas of 8136, 4374 and 649 hectares respectively for subtidal, intertidal, and supratidal habitats, other than that occurring from natural patterns of variation'.

11.39. Dundalk Bay SPA (004026) – Potential Impacts

11.40. Having regard to the development proposals, I consider that the main aspects of the proposed development which could affect the conservation objectives of the European site arises from:

- Loss/degradation of habitats
- Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons
- Disturbance /displacement to species due to construction and operation

11.41. Loss/degradation of habitats: The site is located a distance of over 12 km from the SPA and I consider there will be no direct loss of habitat given the location of the proposed development. The NIS outlines there will be no direct discharge into any watercourse/drainage ditches during construction or operation of the proposed development or the permitted developments. The NIS also outlines it is considered highly unlikely that potential pollutants arising from the construction works could reach the SPA due to pollutants will be either diluted or dispersed within watercourses before reaching the SPA, however out of an abundance of caution a potential risk on this habitat is screened in. Mitigation measures are set out to ensure there will be no adverse effects to watercourses. These include for measures for the reduction and prevention of suspended solids and contaminant pollution, and the escapement of oil from storage or construction vehicles and these are referenced at section 11.47. I consider this would be an indirect impact of the proposed development. Having regard to the separation distance to the SPA, I consider that

the effects of dilution and dispersion would serve to reduce this potential indirect effect on the Wetlands and Waterbirds Habitat.

- 11.42. Impairment of water quality/surface water pollution: The NIS outlines a hydrological connection was identified as part of the overall construction area between the permitted development and the SPA and I note the current site forms part of the overall permitted developments. It is therefore considered in the NIS there is a potential for receiving waters within the SPA to be impacted as a result of surface water pollution such as suspended solids/silt/hydrocarbons during the construction phase of the proposed development and permitted developments, which could potentially impact on protected habitats and species within the SPA. I consider this could lead to the loss of food supply/availability for SCI.
- 11.43. I note that while the Conservation Objectives Report for the Dundalk Bay SPA on the NPWS website is referenced in the NIS, the Conservation Objectives for SCI are not identified. I have examined the Dundalk Bay SPA conservation objective document and the conservation objectives supporting documents for the site through the NPWS website for the SCI species, which includes for 23. no. protected bird species. I have also examined 'S.I No. 310/2012 European Communities (Conservation of Wild Birds (Dundalk Bay Special Protection Area 004026)) Regulations 2012'. The conservation objectives supporting document details the diet of 2 SCI species, including Great Crested Grebe, Red-breasted Merganser is/includes fish. In the event of pollution run off to local watercourses, prey species could be negatively impacted in the Dundalk Bay SPA. Given the potential for water quality to affect foraging of 2 SCI species, I consider this would be an indirect impact of the proposed development. It is therefore accepted that mitigation would be required to control emissions to water. Having regard to the separation distance to the SPA (over 12 km) and the receiving waters, I consider that the effects of dilution and dispersion would serve to reduce this potential indirect impact.
- 11.44. Disturbance /displacement to species: In relation to disturbance and displacement of species, the NIS outlines the site is not considered suitable for breeding or wintering designated bird species. The NIS states while it does have the potential to support foraging, it is however not considered a site of importance given the abundance of available suitable agricultural grassland within the site vicinity. It is stated the NBDC holds no records of designated species within 2km of the site in the last 10 years and

no designated species were recorded in the site walkover. I note an indirect physical pathway exists via mobile SCI species of the SPA. However having regard to the temporary nature of the works, the details presented in the NIS in relation to the site, its separation distance to the SPA and habitats, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance. The AA screening report outlines it is considered unlikely that the proposed development will result in a collisions risk to birds. This relates to the undergrounding of the grid connection cabling, the lightning masts not having overhead cabling/guywires extending from structures and given the screen planting existing and proposed onsite. Having regard to the nature and scale of the proposed development and details set out in the AA Screening report and NIS, I consider there is no real likelihood of any significant effects to arise on SCI by way of collision risk.

11.45. I note that a number of the mitigation measures set out in relation to chemical/oil management at the construction stage will also apply to the operational phase.

11.46. In conclusion, I therefore consider there is a potential for indirect effects to occur on SCI species and on Wetlands and Waterbirds Habitat by way of impacts on water quality only. I consider there is no real likelihood of any significant effects to arise on SCI species by way of indirect noise/visual disturbance. I also consider there will be no direct loss of habitat.

11.47. Dundalk Bay SPA – Mitigation measures

11.48. Mitigation measures to be employed during the construction and operational phase are set out in section 7.1.3 of the applicant's NIS. Mitigation measures are set out for the reduction and prevention of suspended solids and contaminant pollution, and the escapement of oil from storage or construction vehicles and these include for the following:

- Construction works to be undertaken in accordance with an approved Preliminary Construction Environmental Management Plan
- Appointment of Ecological Clerk of Works to ensure mitigation and best practice measures will be implemented
- Excavations will be left open for minimal periods to avoid acting as conduit for surface water flows

- Materials shall be stored at contractor compound and transported to works zone immediately prior to construction
- Any chemical /oils to be stored onsite to be placed on hardstanding to ensure no seepage of pollutants to ground/surface water.
- Weather conditions considered when planning construction to minimise risk of runoff
- Pouring of concrete to be carried out in dry weather and washout of trucks not permitted onsite
- Careful handling of fuels, lubricants, fluids to avoid spillage and provided with spill containment
- Maintenance and refuelling of vehicles carried out in designated areas, spill trays used where refuelling carried out outside these areas
- No surface run off will be discharged to public roads, adjacent property.
- Waste management measures
- Spill kits to be maintained onsite
- Excavation and storage of any contaminated sediment
- Bunds to entail sufficient capacity and drainage from bund areas to be directed to secure containment
- No storage of hydrocarbons/chemicals within 5m of watercourse or surface water features
- Drip trays used for fixed or mobile plant

11.49. The NIS outlines the mitigation measures set out will ensure that any impacts on European Sites will be avoided during all phases of the proposed development and there will be no adverse impact on the integrity of any European Site.

11.50. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success. I note in particular the appointment of an ECoW. The proposed development is a routine construction project, and these are standard and well-proven mitigation measures.

11.51. Dundalk Bay SPA – Potential in-combination effects

The NIS does not consider there would be in-combination effects. The NIS outlines there are a number of permitted solar farm and battery energy storage developments in the immediate vicinity of the site including Louth County Council - reg. ref. 21/631 and its permitted extensions (Louth County Council reg. ref. 21/1478 and reg. ref.22/534) which coincide with the proposed development. The NIS outlines these schemes were subject to Appropriate Assessment which concluded they will not pose a risk of adversely affecting the integrity of any European Site, either alone or in combination with other plans or projects. The NIS outlines based on the mitigation measures outlined the proposed development will not result in any in-combination contribution to have adverse effects on the integrity of any European sites.

11.52. Having reviewed the details submitted in the NIS, the Louth County Council website and the Department of Housing, Local Government and Heritages EIA map portal, and as the permitted schemes were subject to AA, I do not consider there are any in-combination effects on the Dundalk Bay SPA that arises from these or other projects. I also note the pending 220kV substation and associated 220kV underground grid connection project ABP Reg. Ref. ABP315456-23 located at this site, currently at Board level of assessment. I note this project is sought as an alternative option to the current proposed scheme and is subject to the strict protection requirements of AA and has not yet been approved. This project may only be consented if adverse effects on the integrity of the European Site(s) can be objectively ruled out during the AA process.

11.53. Having regard to the foregoing, I am satisfied that no plans or projects are considered to give rise to potential for adverse effects on the European Site in combination with the proposed development. Having regard to the online resources referred to and the limited nature and scale of the proposed development, I concur that the proposed development would not be likely to have any in-combination effects together with any other project.

Dundalk Bay SPA - Residual effects /further analysis

11.54. In consideration of the outlined mitigation measures, I am satisfied that no residual impact is anticipated.

Dundalk Bay SPA - NIS omissions

11.55. I previously referred to the NIS reference to the Conservation Objectives Report for the Dundalk Bay SPA on the NPWS website and that Conservation Objectives for SCI are not identified in the NIS. Notwithstanding, I consider that a robust Stage 2 AA can be and has been carried out based on the NPWS data and the information contained within the submitted NIS.

Dundalk Bay SPA - Suggested related conditions

11.56. Given the relatively limited nature and scale of the proposed development, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

11.57. Dundalk Bay SPA - Conclusion

11.58. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Dundalk Bay SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

11.59. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the Dundalk Bay SPA European site no.004026, in view of the sites' conservation objectives, subject to the implementation of mitigation measures outlined above. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity

11.60. Dundalk Bay SAC (000455)

11.61. Description of Site

Dundalk Bay, Co. Louth, is a very large open, shallow sea bay with extensive saltmarshes and intertidal sand/mudflats, extending some 16 km from Castletown River on the Cooley Peninsula in the north, to Annagassan/Salterstown in the south. The bay encompasses the mouths and estuaries of the Rivers Dee, Glyde, Fane, Castletown and Flurry. Saltmarsh vegetation occurs in four main areas: at Lurgangreen, Marsh South, Dundalk Harbour and Bellurgan. Two types are represented – Atlantic and Mediterranean salt meadows. The extensive sandflats and mudflats (over 4,000 ha) occur and are comprised of ecological communities such as muddy fine sand communities and fine sand community complexes.

11.62. Dundalk Bay SAC (000455) Conservation Objectives

11.63. The conservation objectives are set out in the ‘Conservation Objectives Series for Dundalk Bay SAC (000455) Dundalk Bay SPA (004026)’ document published by the Department of Arts, Heritage and the Gaeltacht. The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. Site attributes, targets and measures are set out for each QI. For QI Estuaries, Mudflats and sandflats not covered by seawater at low tide, Perennial vegetation of stony banks, Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*), Mediterranean salt meadows (*Juncetalia maritimi*), the conservation objective is to maintain the favourable conservation condition. For *Salicornia* and other annuals colonizing mud and sand the conservation objective is to restore the favourable conservation condition. I note ‘S.I. No.609/2019 - European Union Habitats (Dundalk Bay Special Area of Conservation 000455) Regulations 2019’ made 29 November 2019.

11.64. For the QI/SCI and conservation objectives set out in the Conservation Objectives Series for Dundalk Bay SAC 000455, I note targets and attributes for all habitats state habitat is stable or increasing.

11.65. I note that while the Conservation Objectives Report for the Dundalk Bay SAC on the NPWS website is referenced in the NIS the Conservation Objectives for QI are not

identified. I have examined the Dundalk Bay SAC conservation objective document, conservation objectives supporting documents for the site through the NPWS website for the SAC and 'S.I. No.609/2019 - European Union Habitats (Dundalk Bay Special Area of Conservation 000455) Regulations 2019'.

11.66. Dundalk Bay SAC (000455) – Potential Impacts

11.67. Having regard to the development proposals, I consider that the main aspects of the proposed development which could affect the conservation objectives of the European site arises from:

- Loss/degradation of habitats
- Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons

11.68. The site is located a distance of over 12 km from the SAC and I consider there will be no direct loss of habitat given the location of the proposed development.

11.69. The NIS outlines a hydrological connection was identified as part of the overall construction area between the permitted development and the SAC and I note the current site forms part of the overall permitted developments. It is therefore considered in the NIS there is a potential for receiving waters within the SAC to be impacted as a result of surface water pollution such as suspended solids/silt/hydrocarbons during the construction phase of the proposed development and permitted developments, which could potentially impact on protected habitats within the SAC. The NIS outlines there will be no direct discharge into any watercourse/drainage ditches during construction or operation of the proposed development or the permitted developments. The NIS also outlines it is considered highly unlikely that potential pollutants arising from the construction works could reach the SAC due to pollutants will be either diluted or dispersed within watercourses before reaching the SAC, however out of an abundance of caution a potential risk on these habitats is screened in. Mitigation measures are set out to ensure there will be no adverse effects to watercourses or SAC habitats and these are referenced at section 11.47. I consider this would be indirect impact of the proposed development. Having regard to the separation distance to the SAC, I

consider that the effects of dilution and dispersion would serve to reduce this potential indirect effect on the SAC habitats.

11.70. I note that a number of the mitigation measures in relation to chemical/oil management will also apply to the operational phase.

11.71. In conclusion, I therefore consider there is a potential for indirect effects to occur on SAC Habitats by way of impacts on water quality only. I consider there will be no direct loss of habitat given the location of the proposed development.

11.72. Dundalk Bay SAC – Mitigation measures

11.73. Mitigation measures to be employed during the construction and operational phase are set out in section 7.1.3 of the applicant's NIS and these include for the same mitigation measures as set out in section 11.47 of this Inspectors Report.

11.74. The NIS outlines the mitigation measures set out will ensure that any impacts on European Sites will be avoided during all phases of the proposed development and there will be no adverse impact on the integrity of any European Site.

11.75. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success. I note in particular the appointment of an ECoW. The proposed development is a routine construction project, and these are standard and well-proven mitigation measures.

11.76. Dundalk Bay SAC – Potential in-combination effects

The NIS does not consider there would be in-combination effects. The NIS outlines there are a number of permitted solar farm and battery energy storage developments in the immediate vicinity of the site including Louth County Council - reg. ref. 21/631 and its permitted extensions (Louth County Council reg. ref. 21/1478 and reg. ref.22/534) which coincide with the proposed development. The NIS outlines these schemes were subject to Appropriate Assessment which concluded they will not pose a risk of adversely affecting the integrity of any European Site, either alone or in combination with other plans or projects. The NIS outlines based on the mitigation measures outlined the proposed development will not result in any in-combination contribution to have adverse effects on the integrity of any European sites.

11.77. Having reviewed the details submitted in the NIS, the Louth County Council website and the Department of Housing, Local Government and Heritages EIA map portal, and as the permitted schemes were subject to AA, I do not consider there are any in-combination effects on the Dundalk Bay SAC that arises from these or other projects. I also note the pending 220kV substation and associated 220kV underground grid connection project ABP Reg. Ref. ABP315456-23 located at this site, currently at Board level of assessment. I note this project is sought as an alternative option to the current proposed scheme and is subject to the strict protection requirements of AA and has not yet been approved. This project may only be consented if adverse effects on the integrity of the European Site(s) can be objectively ruled out during the AA process.

11.78. Having regard to the foregoing, I am satisfied that no plans or projects are considered to give rise to potential for adverse effects on the European Site Dundalk Bay SAC in combination with the proposed development. Having regard to the online resources referred to and the limited nature and scale of the proposed development, I concur that the proposed development would not be likely to have any in-combination effects together with any other project.

Dundalk Bay SAC - Residual effects/further analysis

11.79. In consideration of the outlined mitigation measures, I am satisfied that no residual impact is anticipated.

Dundalk Bay SAC - NIS omissions

11.80. I previously referred to the NIS reference to the Conservation Objectives Report for the Dundalk Bay SAC on the NPWS website and that Conservation Objectives for QI are not identified in the NIS. Notwithstanding, I consider that a robust Stage 2 AA can be and has been carried out based on the NPWS data and the information contained within the submitted NIS.

Dundalk Bay SAC - Suggested related conditions

11.81. Given the relatively limited nature and scale of the proposed development, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

11.82. Dundalk Bay SAC - Conclusion

11.83. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not adversely affect the integrity of Dundalk Bay SAC in light of the site’s conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

11.84. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the Dundalk Bay SAC European site no.000455, in view of the sites’ conservation objectives, subject to the implementation of mitigation measures outlined above. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any adverse effect on site integrity.

Table 11.2 Summary of Appropriate Assessment of implications of the proposed development on the integrity of European Sites alone and in combination with other plans and projects in view of the sites’ Conservation Objectives.

Appropriate Assessment					
<p>Dundalk Bay SAC (000455) - Summary of Key issues that could give rise to adverse effects:</p> <ul style="list-style-type: none"> • Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons • Loss/degradation of habitats 					
Qualifying Interest feature	Conservation Objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity

	Targets and attributes				be excluded?
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries in Dundalk Bay SAC	Yes, according to NIS. Potential for surface water pollution such as suspended solids, silt, hydrocarbons to arise in the habitat.	Yes, Water quality measures including suspended solid and pollution control measures, control of use and storage of chemicals, Concrete pouring to be carried out in dry weather to prevent run off	None	Yes
Mudflats and sandflats not covered by seawater at low tide [1140]	Maintain	Yes, according to NIS. Potential for surface water pollution such as suspended solids, silt, hydrocarbons to arise in the habitat.	Yes, Water quality measures as set out	None	Yes
Perennial vegetation of stony banks [1220]	Maintain	Yes, according to NIS. Potential for surface water pollution such as suspended solids, silt, hydrocarbons to arise in the habitat.	Yes, Water quality measures as set out	None	Yes
Salicornia and other annuals	To restore the	Yes, according to NIS. Potential for surface	Yes, Water quality	None	Yes

colonizing mud and sand [1310]	favourable conservation condition of Salicornia and other annuals colonizing mud and sand in Dundalk Bay SAC	water pollution such as suspended solids, silt, hydrocarbons to arise in the habitat.	measures as set out		
Atlantic salt meadows [1330]	Maintain	Yes, according to NIS. Potential for surface water pollution such as suspended solids, silt, hydrocarbons to arise in the habitat.	Yes, Water quality measures as set out	None	Yes
Mediterranean salt meadows (Juncetalia maritimi) [1410]	Maintain	Yes, according to NIS. Potential for surface water pollution such as suspended solids, silt, hydrocarbons to arise in the habitat.	Yes, Water quality measures as set out	None	Yes
Dundalk Bay SPA, site code 004026 - Summary of Key issues that could give rise to adverse effects:					
<ul style="list-style-type: none"> ○ Impairment of water quality/surface water pollution during construction through release of suspended solids/silt/hydrocarbons ○ Loss/degradation of habitats ○ Disturbance /displacement to species due to construction and operation 					
Qualifying Interest feature	Conservation Objectives	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity

	Targets and attributes				be excluded?
Wetlands & Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat in Dundalk Bay SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	Yes, according to NIS there is a potential for receiving waters to be impacted as a result of surface water pollution such as suspended solids/silt/hydrocarbons during the construction phase, which could potentially impact on protected habitats within the SPA	Yes, Water quality measures including suspended solid and pollution control measures, control of use and storage of chemicals, Concrete pouring to be carried out in dry weather to prevent run off	None	Yes
Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Greylag Goose (<i>Anser anser</i>) [A043] Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048]	To maintain the favourable conservation condition of the QI	Yes, according to NIS there is a potential for receiving waters within the SPA to be impacted as a result of surface water pollution such as suspended solids/silt/hydrocarbons during the construction phase, which could potentially impact on SCI species by way of adverse impacts on food availability, foraging.	Yes, Water quality measures including suspended solid and pollution control measures, control of use and storage of chemicals, Concrete pouring to be carried out in dry	None	Yes

Teal (<i>Anas crecca</i>) [A052]			weather to prevent run off		
Mallard (<i>Anas platyrhynchos</i>) [A053]		Potential adverse effects by way of disturbance			
Pintail (<i>Anas acuta</i>) [A054]		/displacement – None.			
Common Scoter (<i>Melanitta nigra</i>) [A065]		SCI species were not recorded on/near site and no evidence of same during surveys.			
Red-breasted Merganser (<i>Mergus serrator</i>) [A069]					
Oystercatcher (<i>Haematopus ostralegus</i>) [A130]					
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]					

<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Herring Gull (<i>Larus argentatus</i>) [A184]</p>					
<p>Overall conclusion: Integrity test: Dundalk Bay SAC</p> <p>Following the implementation of mitigation, the construction, operation and decommissioning of this proposed development will not adversely affect the integrity of Dundalk Bay SAC in view of the site's conservation objectives.</p>					

No reasonable scientific doubt remains as to the absence of such effects.

Overall conclusion: Integrity test: Dundalk Bay SPA

Following the implementation of mitigation, the construction, operation and decommissioning of this proposed development will not adversely affect the integrity of Dundalk Bay SPA in view of the site's conservation objectives.

No reasonable scientific doubt remains as to the absence of such effects.

12.0 Recommendation

I recommend that planning permission should be granted for the proposed development for the reasons and considerations set out below, and subject to the attached conditions.

Reasons and Considerations

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

- Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives)
- National Planning Framework - Ireland 2040
- Climate Action Plan, 2023
- Regional Spatial and Economic Strategy for the Eastern and Midland Region
- The policies and objectives of the Louth County Development Plan 2021-2027 and Monaghan County Development Plan 2019-2025
- The nature, scale and design of the proposed development and the pattern of development in the vicinity of the site, including permitted Solar Farm and Battery

Energy Storage and substation developments, and permitted alterations and extensions to same

- The information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- the submissions received in relation to the proposed development, and
- the report and recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to the appropriate assessment and environmental impact assessment screening.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, National and regional renewable energy policies and with the provisions of the Louth County Development Plan 2021-2027 and Monaghan County Development Plan 2019-2025, would not seriously injure the visual or residential amenities of the area or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not significantly adversely affect biodiversity in the area, would be acceptable in terms of traffic safety, public health and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment - Stage 1

The Board considered the Screening Report for Appropriate Assessment and carried out an appropriate assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites. The Board noted that the proposed development is not directly connected with or necessary for the

management of a European Site and considered the nature, scale, and location of the proposed development, as well as the report of the Inspector. The Board agreed with and adopted the screening assessment and conclusion carried out in the inspector's report that the Dundalk Bay SAC, site code 000455 and Dundalk Bay SPA, site code 004026, are the European sites for which there is a likelihood of significant effects. The Board concluded that, having regard to the qualifying interests for which the site was designated and in the absence of connections to, and distance between, the application site and the European Site Strabannan-Braganstown SPA (004091), could be screened out from further consideration and that the proposed development, individually or in combination with other plans and projects would not be likely to have significant effects on this European Site or any other European Sites in view of the sites conservation objectives and that the Stage 2 appropriate assessment is therefore not required in relation to this European Site.

Appropriate Assessment - Stage 2

The Board considered the Natura Impact Statement and carried out an appropriate assessment of the implications of the proposal for the Dundalk Bay SAC, site code 000455 and Dundalk Bay SPA, site code 004026, in view of the Sites Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment as well as the report of the Inspector.

In completing the assessment, the Board considered the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, the mitigation measures which are included as part of the current proposal and the Conservation Objectives for these European Sites. In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspectors report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the Conservation Objectives. In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the Dundalk

Bay SAC, site code 000455 and Dundalk Bay SPA, site code 004026 or any other European Site in view of the sites' Conservation Objectives.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity and the proper planning and sustainable development of the area.

2. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of 5 years.

3. a) The permission shall be for a period of 35 years from the date of the commissioning of the Solar Farm and Battery Energy Storage System (Louth County Council Reg Ref 21/631). The substation and related ancillary structures shall then be removed unless, prior to the end of the period, planning permission shall have been granted for their retention for a further period.

b) Prior to commencement of development, a detailed restoration plan, including a timescale for its implementation, providing for the removal of the substation and all related ancillary structures, including all foundations to a specific timescale, shall be submitted to, and agreed in writing with, the planning authority.

c) On full or partial decommissioning of the Solar Farm, or if the solar farm ceases operation for a period of more than one year, the substation and all related ancillary structures and equipment, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with this plan and all decommissioned structures shall be removed within three months of decommissioning.

Reason: In the interest of orderly development.

4. All of the environmental, construction, ecological related mitigation measures, as set out in the Environmental Report, the Natura Impact Statement, Construction Environmental Management Plan, and other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein except as may otherwise be required to comply with the conditions of this Order.

Reason: In the interests of clarity and of the protection of the environment during the construction and operational phases of the development.

5. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures set out in the application documentation and provide details of intended construction practice for the development, including:
 - (a) Location of site and material compound (s) including areas (s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings;
 - (b) a comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the

construction site and associated signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(c) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network

(d) details of appropriate mitigation measures for noise and dust, and monitoring of such levels

(e) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;

(f) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;

(g) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses;

(h) surface water discharge from compound will be via a class 1 oil interceptor

(i) an audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting.

(j) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of environmental protection, amenities, public health, and safety.

6. (1) The applicant is required to employ a suitability qualified archaeologist to monitor all ground disturbance required for this development. The use of

appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(2) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall have work on site stopped pending a decision regarding appropriate mitigation. The developer shall be prepared to be advised by the National Monuments Service with regard to any mitigating action (preservation in situ and /or excavation). The developer shall facilitate the archaeologist in recording any material found.

(3) The National Monuments Service shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

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

7. Noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 hours and 2200 hours on any day and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining

compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

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

8. The developer shall appoint a suitably qualified ecologist to monitor and ensure that all avoidance/mitigation measures relating to the protection of flora and fauna are carried out in accordance with best ecological practise.

Reason: To protect the environmental and natural heritage of the area.

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

Reason: In order to safeguard the amenities of property in the vicinity.

10. Water supply and drainage arrangements, including the disposal of surface water shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

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

11. The site shall be landscaped in accordance with a comprehensive landscaping scheme and the proposals set out in particulars. Prior to commencement of development, details of the landscape scheme shall be

submitted to and agreed with the planning authority. The scheme shall include for the following:

- a) A scaled plan of not less than 1:500 detailing the existing hedgerow and trees to be preserved and details for the protection of same for all stages of the development.
- b) The species, variety, number and locations of all proposed trees and shrubs which shall be of native species only.
- c) A timescale for implementation.

Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the substation as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of visual amenity and biodiversity.

12. 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.

Reason: To ensure satisfactory reinstatement of the site

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or

on behalf of the planning authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the 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.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

David Ryan

Planning Inspector

28th November 2023