



An
Bord
Pleanála

Inspector's Report ABP-318103-23

Development	Development of a new electricity circuit. A Natura Impact Statement (NIS) was submitted with the application.
Location	New Ross, Co. Wexford
Planning Authority	Wexford County Council
Planning Authority Reg. Ref.	20221633
Applicant(s)	The Electricity Supply Board.
Type of Application	Planning Permission.
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Great Island Knockmullen Action Group. Kieran Clancy. Patrick Cairns. Philip Becker. Paul Keating.
Observer(s)	None.

Date of Site Inspection

6th September 2024.

Inspector

Peter Nelson

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Appendix 1 – Form 1: EIA Pre-Screening, Form 2: Preliminary Examination

Appendix 2 – Appropriate Assessment

1.0 Site Location and Description

- 1.1. The site is a linear site from the Knockmullen ESB substation on the southern suburbs of New Ross to the existing Great Island 220kV substation in Great Island, County Wexford.
- 1.2. The route of the underground cabling starts in the townlands of Great Island, under the Barrow Bridge and close to the riverbank of the River Barrow. It then changes to a linear route for overhead cables heading northwards through Ballyedock, Polumaloe and Whitechurch to Strokestown. The route changes direction to the east at a location south of the new M25 and runs through the demesne of Landscape House to the townland of Creaken. The route then turns northwards, passing over the new N25 and terminates within the grounds of the new Knockmullen substation.
- 1.3. The linear route passes through River Valley and Lowlands Landscape Character Units, as designated in the Wexford County Development Plan 2022-28. The linear site also traverses Creaken Hill adjacent to Camil Hill, both designated Distinctive Landscape Character Units.
- 1.4. The main roads in the area include the R723, which forms a southern relief road to New Ross, the recently constructed the N25 (New Ross By-Pass) and the R733. The general project area is connected to these three roads by several local roads.
- 1.5. The majority of the land of the linear route is in agricultural use. New Ross is the main urban centre along the route, with the small villages of Oldchurch, Whitechurch and Dunbroady located to the east.
- 1.6. The linear route also passes through or close to the grounds of Kilmokea House, Alderton House, Landscape House, a former schoolhouse, Creakan House and Knockmullen House, all of which are Protected Structures.
- 1.7. Numerous existing electricity lines are within the study area, particularly near the Great Island 200kV Substation.

2.0 Proposed Development

- 2.1. Permission is sought to develop a new 38kV electricity circuit between the existing Knockmullen ESB Substation, New Ross and the existing Great Island ESB Substation within the Great Island generation station complex.
- 2.2. The circuit - which traverses the townland of Great Island, Creakan Lower, Creakan Upper, Butlersland, Ballydock, Priesthaggard, Poulmaloe, Whitechurch, Dunganstown, Killowen, Oldcourt, Stokestown, Landscape, Camlin and Knockmullen, County Wexford, will be c.13.75 km in length and will consist of c.12 km of overhead line (OHL) and c.1.75 km of underground cable (UGC).
- 2.3. The OHL structures (87 no.) will consist of single and double wood polesets, with a height above ground level ranging from c.9.7 m to c. 18 m and will require below-ground foundations and staywires at specific locations.
- 2.4. The UGC will primarily run along public roads and consist of electrical cables laid in underground ducts buried in a trench (varying dimensions between c.0.6 m and c.0.9 m width and a depth of c.1.2 m).
- 2.5. The proposed OHL passes through the curtilage associated with the demesne lands of Landscape House, a protected structure in the Wexford County Development Plan 2022-2028 (RSP Ref: WCC0530).
- 2.6. Permission is also sought for all associated works, including temporary works such as the creation of access ways.
- 2.7. Planning permission is sought for a ten (10) year period.
- 2.8. A Natura Impact Statement (NIS) has been prepared and will be submitted to the planning authority with the application.

3.0 Planning Authority Decision

3.1. Decision

On the 10th February 2023, the Planning Authority requested that the applicant submit four points of further information. These related to a detailed analysis of the alternative options investigated to facilitate the necessary upgrades, the mitigation

measure proposed to address potential impacts highlighted in the NIS, the submission of an otter breeding holt or couches survey adjacent to the eastern shore of the Barrow Estuary and a detailed quantification and graphical representation for the areas for proposed tree and hedgerow removal or alterations, to facilitate the proposed development and detailed proposes to provide any compensation planting to offset.

On the 31st August 2023, the Planning Authority granted permission for the proposed development subject to 8 no. conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The main points of the first planning report dated the 8th February 2023 can be summarised as follows:

- As the proposed development is not listed as a category under Schedule 5 of Part 2, the provisions of Schedule 7 are not applicable, and EIA is not required.
- Further Information is required on mitigation and Construction Environmental Management Plan (CEMP) and otter surveys before a conclusion can be reached on the impact on the River Barrow and River Nore Special Area of Conservation.
- ESB have sufficient legal interest to apply for planning permission for the proposed development.
- Most of the overhead line (OHL) route crosses open agricultural land with low ecological value.
- Several sections transect areas of private woodland, planted forestry or historic estates.
- To facilitate the OHL at these locations, the clearance of a 20m wayleave corridor will be required.
- A section of the UGC will pass through a Zone of Archaeological potential.

- Further information is required, qualifying and graphically identifying the areas of tree felling and hedgerow removal to facilitate the proposed development.
- Justification is required as to why cable cannot be undergrounded or the existing poles upgraded to ensure that unnecessary social and environmental impacts can be avoided.

The main points of the second planning report dated the 31st August 2023 can be summarised as follows:

- Having regard to the NIS and the CEMP submitted as further information, it is considered that the proposed infrastructure is acceptable and would not have any long-term adverse impacts on the environment or the River Barrow and River Nore SAC
- The submitted otter survey details only one positive otter sign and no evidence of holts. It concluded that the otter occurrence is limited to occasional foraging and commuting along the shoreline.
- Further Information was provided on route options.
- It would appear that the route options for Underground Cable A, B & C were not put forward for assessment due to costs.
- Route Option A1 was selected using an evaluation matrix based on technical, ecological, cultural heritage and landscape criteria.
- The appraisal of options acknowledges that Route Option A1 is slightly more constrained in terms of ecology, which does not undermine it as the most optimal route corridor.
- A Vegetation Quantification report states that 1.13km of vegetation hedgerow and tree lines will be removed.
- Compensatory planting of 20 no. saplings at Knockmullen substation and 150no. trees planted in the inner compound are proposed.
- Details of the planting should be provided by way of condition.
- It is considered that the proposed development is necessary infrastructure to secure a robust electricity supply for the continued growth and population of

New Ross town in accordance with proper planning and sustainable development.

3.2.2. Other Technical Reports

Senior Executive Scientist (Environment) Report dated 28th August 2023 recommended granting permission subject to 3no. conditions.

3.2.3. Conditions

The permission was subject to 8 no. conditions. Conditions of note include condition No.4, which requires that no instream construction works be carried out in the River Barrow, No. 5, which requires that no construction storage, compounds, plant refuelling or storage be located in the River Barrow and River Nore Special Area of Conservation, Condition No.6 which requires no discharge of suspended solids or any other deleterious matter to the watercourse during construction and Condition No. 8 which requires the engagement of an archaeologist to monitor groundworks associated with the development.

3.3. **Prescribed Bodies**

Department of Housing Local Government and Heritage report dated 20th July 2023 concurs with the findings and recommendations of the Cultural Heritage Assessment Report submitted with the planning application and recommends archaeological conditions.

3.4. **Third Party Observations**

Seven observations were recorded in the planning file, and an additional observation was received after the revised notices. The main points raised can be summarised as follows:

- The existing 38kv line can be doubled by adding another set of wires to the existing line, as it is a 2-pole set-up and is capable of carrying additional cables.
- An excessive amount of electrical infrastructure creates unreasonable pressure on the area.
- There has not been any public consultation between the local people and the ESB.
- The impact of the proposed development on farming operations.
- The impact of the proposed development on protected bird species.
- The proposed development will limit the installation of solar panels on agricultural land.
- There are no details of what will happen with the existing 38Kv line.
- The drawings are ambiguous, unclear and incomplete.
- There is no exemption for the ESB from making an application over private land without written consent.
- The public notices are unclear, incomplete and ambiguous.
- The application does not detail the extent of land sterilisation for those landowners affected.
- No ecological or environmental survey was carried out on some of the site.
- Removing trees specifically planted to reduce noise from the New Ross bypass will increase the noise to residential property.
- No alternatives, including the undergrounding of the cables, were proposed.
- The proposed 38kv line will negatively impact the grounds of Landscape House, which is a protected structure.
- The extent of removing trees and hedges to facilitate the development is unknown.
- An adequate assessment of the impact of the proposed development on Landscape House has not been submitted.
- Issues relating to wind corridors from the removal of mature trees.

- No technical or cost-prohibitive reason prevents the length of 38kv cables from being laid underground.
- There are issues relating to the NIS and its assessment.
- The EIA screening is flawed.
- The developer has failed to provide information on the impacts on the hydrogeology in the area.
- The impacts of noise on humans and ecology have not been adequately considered.
- Insufficient information has been provided in relation to waste management and the use of creosote.
- The impacts of the proposed development on the other functional areas have not been addressed.
- There was a lack of surveys during the Covid period.

4.0 Planning History

ABP. Ref: 318914-24

Permission was GRANTED on the 5th June 2024 for a 110kV substation and 110kV underground grid connection in the townland of Great Island, Kilmokea, County Wexford.

ABP. Ref: 318204-23

Permission is sought for development, which consists of a 10-year planning permission for the construction of a grid stability service development and all associated site clearance and site development works. The proposed grid stability service development consists of the provision of a synchronous condenser within a building circa 13 metres in height; elevated modular containers to house electrical and control equipment and all associated plant/apparatus including (a) a generator circuit breaker; (b) transformers; (c) outdoor cooler equipment; (d) underground cabling (including a connection to the existing substation; (e) all associated above ground cabling, piping and electrical connections; (f) 1 no. generator and associated

diesel tank; (g) firewater tank and pumphouse; (h) perimeter fencing and 2 no. gates and (i) all associated site development works including hardstanding, drainage, gabion wall and landscaping. The proposed site clearance works include the removal of a temporary portacabin and construction rubble from the site. A decision has yet to be made on this case.

ABP. Ref: 308906-20

Permission GRANTED on the 23rd June 2021 for a proposed development which will form part of the Greenlink Interconnector and will consist of the development of a new converter station, tail station, MV substation and 23km of high voltage direct current (JVDC) electricity cables, 420m of high voltage alternating current (HVAC) cables, 23.42km of fibre optic cable and all associated site works with an overall proposed development site area of 83.8ha.

P.A. Ref: 20220628

Permission was GRANTED on the 6th July 2022 for development which will consist of grid connection infrastructure to connect the approved Ballyedock Solar Farm (PA Ref:20170330) to the existing Great Island Substation comprising the laying of underground cables, overhead lines, associated infrastructure and Horizontal Directional Drilling. The proposed development will also include upgrades to the substation (previously consented under planning application reference 20170330) to align with the connection route to the national grid. A Natura Impact Statement has been prepared in respect of the application for planning permission.

P.A Ref: 20150325

Extension of Duration of Permission was GRANTED on the 6th December 2019 for the development at the IDA Business Park, Butlersland, New Ross consisting of a new 38kV electrical transformation station consisting of 3no. single-storey modules, single-storey toilet building, 2 no. 38kV banded power transformers, 1 no. interface transformer & 1 no. house transformer, 1 no. scada timber pole 18.5 meters high, new internal road to match existing estate road, new 2.65 meters high palisade

compound fence & gates, new 1.4 metres high concrete post & rail boundary fence, associated drainage, landscaping & site works.

5.0 Policy Context

5.1. National Policy

Climate Action and Low Carbon Development (Amendment) Act 2021 (Climate Act, 2021)

- 5.1.1. The 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.
- 5.1.2. 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 8GW from solar energy by 2030 and 9GW from on-shore wind energy by 2030.

National Planning Framework (NPF)

- 5.1.3. The 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).
- 5.1.4. 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.

- 5.1.5. 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. National Policy Objective (NPO 55) is 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'.

Government Policy Statement on Security of Electricity Supply, November 2021

- 5.1.6. The Policy Statement states that electricity is vital for the proper functioning of society and the economy and notes that in order to contribute to the achievement of greenhouse gas emission targets, the Government has committed that up to 80% of electricity consumption will come from renewable sources by 2030 on a pathway to net zero emissions. It states that ensuring continued security of electricity supply is considered a priority at national level and within the overarching EU policy framework in which the electricity market operates.
- 5.1.7. The challenges to ensuring security of electricity supply are stated to include:
- ensuring adequate electricity generation capacity, storage, grid infrastructure, interconnection and system services are put in place to meet demand – including at periods of peak demand; and
 - developing grid infrastructure and operating the electricity system in a safe and reliable manner;
- 5.1.8. The Policy Statement states that the Government recognises that:
- ensuring security of electricity supply continues to be a national priority as the electricity system decarbonises towards net zero emissions;
 - there is a need for very significant investment in additional flexible conventional electricity generation, electricity grid infrastructure, interconnection and storage in order to ensure security of electricity supply;
- 5.1.9. It states that the Government has approved that it is appropriate for additional electricity transmission and distribution grid infrastructure, electricity interconnection

and electricity storage to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply.

5.2. Regional Policy Context

5.2.1. Regional Spatial and Economic Strategy (RSES) for the Southern Region 2040 The following Regional Policy Objectives are noted: •

- RPO1: Environmental Assessment (a) Any reference to support for all plans, projects, activities and development in the RSES should be considered to refer to 'environmentally sustainable development' that has no adverse effects on the integrity of European sites and no net loss of biodiversity, that shall be subject to appropriate feasibility studies, best practice site/route selection (to consider environmental constraints such as landscape, cultural heritage, the protection of water quality, flood risks and biodiversity as a minimum), environmental assessment including EclA to support development management and where required, the completion of statutory SEA, EIA and AA processes as appropriate...
- RPO 87: relates to a low carbon energy future.
- RPO 90: addresses regional decarbonisation. • RPO 96: to support the sustainable development, maintenance and upgrading of electricity and gas network grid infrastructure ...to meet increased demand as the regional economy grows.
- RPO 98: supports the development of a Regional Renewable Energy strategy.
- RPO 100: to support the integration of indigenous renewable energy production and grid injection.
- RPO 219: to support the sustainable reinforcement and provision of new energy infrastructure by infrastructure providers.
- RPO 222: to support the development of a safe, secure and reliable supply of electricity and to support and facilitate the development of enhanced electricity networks and facilitate new transmission infrastructure projects.

- RPO 224: Local Authorities shall work in partnership with existing service providers to facilitate required enhancement and upgrading of existing infrastructure and networks (subject to appropriate environmental assessment and the planning process) and support the safeguarding of strategic energy corridors from encroachment by other developments that could compromise the delivery of energy networks.

5.3. Development Plan

Wexford County Development Plan 2022-2028

The Plan came into effect on the Monday, 25th July 2022.

Volume 1: Written Statement

Chapter 9 deals with Infrastructure Development:

Objective PT01: To facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that:

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure.
- The route proposed has been identified with due consideration for social, environmental and cultural impacts.
- The design is such that will achieve least environmental impact consistent with not incurring excessive cost.
- Where impacts are inevitable mitigation features have been included.
- Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.

Objective PT02: To support, subject to the objectives of this section and Volume 10 Energy Strategy, connecting infrastructure for the integration of low carbon and renewable energy generation projects including community scaled projects with power transmission infrastructure.

Objective PT03: To support the upgrading of existing electricity networks and the reuse of existing power line routes.

Objective PT04: To support the upgrade of existing and development of new electricity substations in locations that do not have a significant negative impact on nearby residents and are subject to landscaping screening.

Objective PT05: To support the removal and undergrounding of overhead power lines in urban areas.

Chapter 11 Landscape Objectives.

The site is in areas designated as River Valley and Lowlands Landscape Character Units. The proposed OHL traverse Creakan Hill, which is designated as a Distinctive Landscape Character Unit.

Objective L04

To require all developments to be appropriately be sited, designed and landscaped having regard to their setting in the landscape, ensure that any potential adverse visual impacts are minimised and that natural features and characteristics of the site are retained.

Objective L05

To ensure that developments are not unduly visually obtrusive in the landscape, in particular, in or adjacent to the Upland, River Valley, Coastal or Distinctive Landscape Character Units.

Objective L06

To ensure that, where a development will have a negative impact in the Upland, River Valley, Coastal, or Distinctive Landscape Character Unit, an overriding need is demonstrated for that particular development and ensure that careful consideration is given to site selection. The development should be appropriate in scale and be sited, designed and landscaped in a manner which minimises potential adverse impacts on the subject landscape.

Chapter 13 Heritage and Conservation

Objective NH11

To protect trees or groups of trees and woodlands of particular amenity and nature conservation value and make tree preservation orders where appropriate.

Objective NH12

To protect individual trees, groups of trees, woodlands and hedgerows of amenity and biodiversity value, from damage and/or degradation and work to prevent the disruption of the connectivity of the woodlands and hedgerows of the county.

Commercial forestry will generally be exempt, except at peripheries and/or where they have not been maintained for commercial purposes.

Objective AH01

To conserve and protect archaeological sites, monuments (including their settings), underwater archaeology and objects including those listed or scheduled for inclusion on the Record of Monuments and Places and/or the Register of Historic Monuments or newly discovered sub-surface archaeological remains.

Objective BH06

To protect the curtilage of Protected Structures or proposed Protected Structures from any works which would cause loss of, or damage to, the special character of the structure and loss of or damage to, any structures of heritage value within the curtilage or attendant grounds of the structure.

Objective BH07

To ensure development within the curtilage of a Protected Structure is compatible with its character. This does not preclude putting forward innovative contemporary designs that respect the context of the Protected Structure.

Objective BH16

To protect and manage trees in the curtilage of a Protected Structure or in close vicinity that contribute to its special character and setting.

Volume 10: Energy Strategy

Chapter 8 deals with supporting infrastructure:

Objective ES35: To facilitate the provision of and improvements to energy networks in principle, provided that it can be demonstrated that:

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure
- The route proposed has been identified with due consideration for social, environmental and cultural impacts
- The design is such that will achieve least environmental impact consistent with not incurring excessive cost
- Where impacts are inevitable mitigation features have been included
- Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.

5.4. Natural Heritage Designations

5.4.1. The site is proximate to the River Suir and River Barrow confluence. The following European sites are considered to be within the zone of influence of the site:

- River Barrow and River Nore SAC (002162) – part of the appeal site is located in this SAC. The OHL are within 500m of the SAC at points along the route.
- Lower River Suir SAC (002137) – c. 0.9km at the closest point to the appeal site.
- The proposed Barrow River Estuary Natural Heritage Area is within 500m of the subject site.

5.5. EIA Screening

- 5.5.1. A Screening for EIA Report has been submitted with the application, which outlines that the proposed development does not meet or exceed the description or thresholds established by Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended.
- 5.5.2. I have had regard to the grounds of appeal relating to the perceived lack of information on file; however, I am satisfied that adequate details and information

have been submitted with the application to carry out an adequate EIS screening and preliminary examination.

- 5.5.3. I am satisfied that the proposed 38kV electrical circuit between the existing Knockmullen ESB substation and the existing Great Island generation station complex is a stand-alone project.
- 5.5.4. I note that Schedule 5 Part 1 Item 20 requires EIA for:
- Construction of overhead electrical power lines with a voltage of 200 kilovolts or more and a length of more than 15 Kilometres.*
- 5.5.5. The proposed development is for overhead electrical power lines and underground cables of c.14km with a voltage of 38 kilovolts. Therefore, the proposed development does not fall within the specified threshold and EIA is not required having regard to Schedule 5 Part 1.
- 5.5.6. I note that Schedule 5 Part 2 Item 3 Energy Industry requires EIA for:
- (b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.*
- 5.5.7. The proposed development is for overhead cables at a voltage of 38kV and does not, therefore, fall within the specified threshold. As the development is subthreshold, I have carried out an EIA Preliminary Examination and having regard to the nature, size and location of the proposed development and the criteria set out in Schedule 7 of the Regulations, I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

Five third-party appeals have been submitted. While there is some overlap in the grounds of appeal, I will deal with them separately.

- 6.1.1. The main points of the appeal from Patrick Cairns can be summarised as follows:

- The extent of the appellant's lands to be included is unclear from the application drawings.
- No survey was carried out on the appellant's land, and no consultation occurred.
- The ESB did not seek nor obtain the appellant's permission to include lands in the subject application.
- The application drawings lack specific dimensions and contain none of the 'access ways' proposed to be created, as stated in the application description.
- The proposed 38kv line's route appears to intersect an area with road frontage that the appellant has earmarked for two dwellings sites for his children.
- The removal of mature 150-year-old trees from a historic landscape is a concern.
- No survey of the trees has taken place.
- The scope and nature of mitigation measures mentioned in the planning application have not been clearly defined.
- The type and size of the foundations required is undetermined.
- The potential impact on groundwater quality and sediment control during excavation is uncertain.
- The absence of land surveys, site investigation, and habitat assessment undermines the AA and the NIS.
- The Natura Impact Statement lack crucial information.
- There is no assessment or proposed mitigation measures for placing heavily creosoted poles near groundwater or existing watercourses.
- The assessment of other habitats is not comprehensive.
- The undergrounding of the proposed 38kV line would eliminate the need for interference with privately owned land and would address negative environmental impacts.

6.1.2. The main points of the appeal of Kieran Clancy can be summarised as follows:

- The application drawings and details fall short of meeting the requirements of the regulations.
- There is insufficient legal interest in the lands for the purpose of the application.
- While the historically statutory powers of the ESB under the 1927 Electricity (Supply) Act may remain in place, the responsibilities related to the planning and development of distribution systems in Ireland have been legally transferred from the ESB to the ESB Network DAC.
- It is inaccurate for the ESB to assert that it derives sufficient legal interest from the Electricity Supply Act, 1927 to enter onto land for the purposes of works relating to electrical infrastructure.
- The application should be invalidated because there is no consent from affected landowners.
- Comprehensive surveys of the impacted lands have not been undertaken.
- Concern that due to the lack of surveys, the AA is inadequate.
- There is no information or assessment of the noise, visual impact, health and safety implications, or potential impact on the future use of the appellant's land.
- There has not been adequate public consultation for a project of this magnitude and nature.
- In assessing alternative options, the applicant has overlooked the interests of third parties, landowners, and environmental and ecological concerns.
- No substantial analysis of the underground option has been conducted or presented.
- The 'least cost, technical acceptable' criterion is inadequate for a public authority tasked with considering environmental impact and ensuring the proper planning and sustainable development of the area.

6.1.3. The main points of the appeal from the Great Island Knockmullen Action Group can be summarised as follows:

- The online file is incoherent.
- There are no site layout drawings relating to the connection of the cable to each substation or any related piling infrastructure.
- The nature and scale of deforestation and hedgerow removal involved in the proposed had not been properly mapped or quantified.
- No baseline assessment was made of the habitat to be lost through hedgerow and tree removal, and the impacts of the alteration to the lands were not considered in the EIA screening.
- The site boundary has not been clearly delineated in the application drawings.
- The application drawings are inadequate and omit sections of the proposed development.
- The developer failed to engage with the impacted landowners, even though their property rights are protected under the Irish Constitution.
- The proposed development should have been the subject of a Strategic Environmental Assessment.
- The Board must conduct a full Environmental Impact Assessment, including the assessment of alternatives.
- The proposed grid connection upgrade should not be considered in isolation from the upgraded 460MW gas-fired Great Island Power Station, which it is connected to.
- The power station and its upgraded grid connection should be subject to EIA.
- Given the proposed cable length, the precautionary principle suggests that an EIA is required for this project.
- The proposed mitigation measures will not mitigate habitat loss for birds, bats and other species or other environmental impacts.
- The selection of the preferred route did not properly consider environmental impact and did not compare the options based on environmental impact.
- Best scientific practice was not adopted in the developer's AA screening document or the NIS.

- The NIS was not updated to reflect the further information submitted, including hedge clearance, otter report and route selection information.
- Information has not been provided on the likely impacts on the hydrogeology due to excavation, drilling, sheet piling, and pumping of concrete foundations.
- The impacts of noise on humans, ecology and animals have not been adequately considered.
- There is no geological study or assessment of the nature and extent of waste material that will be removed from the site.
- The use of creosote has not been justified, and its health and environmental impacts have not been assessed.
- Visual and other impacts in Kilkenny and Waterford counties have not been adequately assessed.

6.1.4. The main points of the appeal from the Philip Becker can be summarised as follows:

- Landscape House, a protected structure and its curtilage, has been included in the planning application without the appellant's prior knowledge and written consent.
- There is no red or blue line defining the boundary of the site.
- There is no exemption for the ESB from providing letters of consent from the owners of land under Article 22(2)(g)(iii).
- The planning drawings do not show the access ways onto privately owned land and the contractor's compound.
- The reports included in the application are not based on actual on-the-ground physical surveys of the land or the environment along the proposed development route.
- Without physical and methodical surveys, how, in the NIS, can the appellant be said to have utilised the 'best scientific knowledge' in assessing the environmental and ecological impact?
- The applicant has admitted that 'access to all land parcels and constituent habitats could not be arranged'; therefore, the NIS and AA are flawed.

- It is not stated how many of the 100-year-old oak trees, designated to be of County Importance in the Wexford Development Plan, are to be destroyed.
- Without a survey, the applicant can't be sure that protected bat species or owls do not live in or around this protected native woodland.
- The removal of woodland within the curtilage of a protected structure is not in accordance with the proper planning and sustainable development of the area.
- The removal of the native woodland is a material contravention of the development plan.
- The applicant has failed to provide adequate information regarding the potential and likely impacts and mitigation measures on the Protected Structure and the Protected Demesne of Landscape House.
- The applicant has not identified any technical impediment to undergrounding the entire length of the proposed 38kV line; the only impediment identified is cost.

6.1.5. The main points of the appeal from Paul Keating can be summarised as follows:

- The appellant's land appears to have been included in the planning application without prior knowledge or written consent.
- The applicant has confirmed that they are not the legal owners and has not provided the name and address of the legal owners of the land or consent letters.
- The Planning and Development Regulations do not provide any exemption from the requirements of Article 22(2)(g)(i) in favour of the ESB.
- The thin red line shown on the drawings submitted by the applicant does not comply with the statutory requirements to identify 'the lands or structure to which the application relates' nor does it 'identify clearly'.. the boundaries thereof in red.
- The public notices are inaccurate, incomplete and vague.
- The contractor's store yard and the creation of accessways are not shown on any of the drawings.

- The applicant provides no information on the proposed electricity line's short-, medium-, or long-term effects on the future use of the land it proposes to cross.
- It appears that the development will require the removal of mature hedgerows and trees from the northern boundary of the appellant's land, which are critical components in screening the appellant's home and land from visual and noise impact created by the New Ross Bypass.
- The 'Vegetation Clearance Report' does not include any photographs, an arborist's report, or a visual-based survey or study of the trees and hedgerows to be removed.
- Restrictions on buildings, especially dwellings, due to the OHL have not been identified.
- The options provided by the applicant show that the only issue with undergrounding the line is the cost.
- The ESB's exclusive focus on cost precludes the exploration of innovative and environmentally responsible solutions.

6.2. Applicant Response

6.2.1. The main points of the applicant's response can be summarised as follows:

- The hard copy and the online version of the WCC planning file contain all planning application information, as required by the Planning and Development Regulations.
- The Planner's Report correctly states the current legal position in relation to ESB's ability to meet the requirement for ESB to demonstrate sufficient legal interest in the lands for the purposes of making a planning application.
- ESB always consults with landowners before a planning application and will issue a notice to survey their property as part of the information process.
- All the landowners were contacted, and a number did not provide access as is their right.

- The drawings show all works for which permission is sought in this application.
- Should other works, including access ways and construction compounds, be required, all consent will be sought at the appropriate time in accordance with relevant legislation.
- In addition to meeting statutory requirements, there was extensive public consultation in relation to the application before its submission, which was detailed in the further information submitted.
- Aerial photographs detailed the nature and scale of tree and hedgerow pruning and removal.
- The project will employ an Ecological Clerk of Works, an arborist and other appropriate technical experts who will survey each area before construction.
- The OHLs do not cause any restructuring of farm holdings or result in the full removal of hedgerows.
- The proposed development does not fall within the scope of the SEA Directive, and SEA is not required.
- The project has no relationship to the Great Island Generation Station; it is a 38kV general ESB Network upgrade between two substations, one of which happens to be located within the Great Island complex.
- There is no legislative basis for EIA in this case.
- The ESB has attempted to minimise environmental impacts and address landowners' concerns at all times while still trying to achieve the project's technical requirements.
- An underground cable was considered an option by ESB but was ultimately put forward for planning as an overhead line has a high level of reliability.
- ESB is required by the Commission for Regulation of Utilities to deliver new electric circuits in the Least Cost Technically Acceptable manner.
- The NIS details site-specific mitigation measures required to reduce potential adverse effects on European Sites.

- The NIS concludes that the proposed development, either alone or in combination with any other projects or plans, will not adversely affect the integrity of any European Site.
- Where access to specific land portfolios could not be achieved, the site-specific impact assessments were carried out on a precautionary basis, informed by roadside vantage points of the proposed OHL route.
- An update to the NIS to accommodate the additional surveys submitted as further information was not required as disturbance to otter breeding is not considered likely.
- The Outline Construction and Environmental Management Plan sets out specific mitigation measures in relation to water protection and management, refuelling, site access, traffic, waste and resource management.
- Creosote in ESB wood poles is in line with EU Regulations.
- The Landscape and Visual Impact Assessment considered the potential for visual effects in County Kilkenny.
- The function area of Waterford County Council is outside this project's Zone of Visual Influence.
- Correspondence will be provided to landowners setting out what options are available to them, in so far as each landowner has the opportunity to accept upfront compensation for the placing of the line.
- ABP has all the necessary information to grant planning permission for the proposed development.

6.3. Planning Authority Response

None

6.4. Observations

None

6.5. Further Responses

None

7.0 Assessment

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

- Legal Interest
- Procedural Issues
- Principle of Development and Planning Policy
- Consideration of Alternatives
- Cultural Heritage
- Visual Amenity
- Bats
- Other Matters

7.2. Legal Interest

7.2.1. The appellants have questioned whether the applicant has sufficient legal interest in the application site to apply for planning permission. It is claimed the applicant has not submitted letters of consent from the owners of the lands that the application site will cross.

7.2.2. There are various landowners along the route; however, ESB has statutory powers to undertake the proposed development, arising from the Electricity Supply Act, 1927, as amended. ESB are the legal owners of the electricity distribution network and derive sufficient legal interest from the Electricity Act 1927, as amended, to enter onto lands for the purpose of any works relating to electrical infrastructure.

- 7.2.3. I refer the Board to relevant case law. The extent, if any, to which landowner consent is required for the making of an application for the development of electricity transmission infrastructure was addressed in *North East Pylon Pressure Campaign Ltd v An Bord Pleanála* (No. 1)
- 7.2.4. The case involved a challenge to an approval granted by An Bord Pleanála pursuant to the provisions of Sections 182A and 182B of the Planning and Development Act 2000. An application for such an approval may only be made by an undertaker who intends to carry out development comprising or for the purposes of electricity transmission. The High Court rejected an argument that an application could only lawfully be made with the written consent of the owners of all of the lands upon which it was proposed to carry out the development.
- 7.2.5. Therefore, I am satisfied that for the purposes of the planning application, the written consent of the owners of all of the lands upon which it is proposed to carry out the development is not required.
- 7.2.6. I consider that any further dispute in terms of land take and legal title is a matter more appropriately addressed via the appropriate legal channels. The applicant should be advised of section 34(13) of the Planning and Development Act, 2000, as amended, that a person is not entitled solely by reason of a permission to carry out any development.

7.3. Procedural Issues

- 7.3.1. The appellants have raised concerns that the application drawings and details do not meet the requirements to comply with the Planning and Development Regulations and consider that the application should be invalidated. The issue of lack of site notices is also a ground of appeal.
- 7.3.2. I draw the Board's attention to the Planning and Development Regulations 2001 art.17(3) (as substituted by art.8 of the 2006 Regulations), which states that the requirement to erect or fix a site notice does not apply in relation to a planning application for development consisting of the construction or erection by an electricity undertaking of overhead transmission or distribution lines for conducting electricity, or development consisting of the construction or erection by any statutory undertaker

authorised to provide a telecommunications service of overhead telecommunications lines.

- 7.3.3. Furthermore, there is no express requirement in s.182A(4)(a) of the PDA 2000 to set out the extent of the proposed development, and the public notices need only indicate the nature and location of the proposed development.
- 7.3.4. I am satisfied that adequate public notice has been provided. The erected site notice and newspaper notices have resulted in several submissions on the planning application and the appeals on the decision. Having regard to this level of interest and the wide range of matters raised in the appeal, I consider that the purpose of the public notice has been served, i.e. that the public has been alerted to the development and its nature and extent.
- 7.3.5. Article 25 of the Planning and Development Regulations states that Article 23(1), other than paragraphs (g) and (h) thereof, shall not apply to a planning application for development consisting of the construction or erection by an electricity undertaking of overhead transmission or distribution lines for conducting electricity. The requirement is for a map or plan with north points based on an Ordnance Survey map indicating the relevant Ordnance Survey sheet number. This has been provided with the application. In terms of the contents of the planning application, I am satisfied that they comply with the Planning and Development Regulations.
- 7.3.6. One of the points of the appeal states that the applicant has not provided adequate information regarding noise, visual impact, health and safety implications or potential impact of the proposed 38kV volt electricity line on the future use of land.
- 7.3.7. The planning application includes an Ecological Impact Assessment Report, an NIS a Landscape and Visual Impact Assessment, a Construction Methodology, an Outline Construction Management Plan, a Project Route Option Report, a Project Justification Report, Vegetation Quantification Report and an Otter Survey. In principle, I consider the reports supplied and the information contained within them sufficient to fully assess the proposed development's potential impact.

7.4. Principle of Development and Planning Policy

- 7.4.1. The ESB states that the rationale for the Great Island-Knockmullen 38kV Project has been established by the increase in customer demand due to population growth and the local development of the region. The existing medium voltage distribution network in New Ross is currently heavily overloaded. The rural medium voltage network supplying the hinterland of New Ross is also heavily loaded. The proposed development will significantly reinforce the security and reliability of the future electricity supply in New Ross and its environs for the foreseeable future.
- 7.4.2. In terms of the regional context, the Regional Spatial and Economic Strategy (RSES) for the Southern Region has a strategic role in energy assets in national energy generation and transmission. Objectives of the RSES support sustainable reinforcement and provision of new infrastructure to ensure that the energy needs of future populations and expansions within designated growth areas can be delivered and that a safe, secure and reliable source of electricity is available to the region. Regional Policy Objectives (RPOs) 96, 100, 219, 222 & 224 support the upgrading and the provision of new energy infrastructure to integrate renewable energy sources and meet future energy needs.
- 7.4.3. At the level of the County Development Plan, objective ES35 supports the provision of and improvements to energy networks in principle, subject to demonstrating that the development is required in order to facilitate the provision or retention of significant economic or social infrastructure and that the proposed route has been identified with due regard to impacts (social environmental and cultural). Where impacts are identified, mitigation features are to be considered, and the proposal should be assessed in accordance with the requirements of the Habitats Directive. I consider that the provisions of the development plan provide high-level support for the type of infrastructure subject of this application.
- 7.4.4. Having regard to the above, I am satisfied that the principle of the development of a new 38kV electricity circuit between the existing Knockmullen ESB Substation, and the existing Great Island ESB substation is acceptable, subject to an assessment under any other relevant criteria, as covered hereunder.

7.5. Consideration of Alternatives

- 7.5.1. The applicant submitted a Project Route Options Report as part of further information. Five route corridor options were examined. The routes were evaluated using the following criteria: technical, ecological, cultural heritage, landscape, and visual.
- 7.5.2. The report concludes that the least constrained route option for the Great Island to Knockmullen line is Route Option A1, as evaluated under the abovementioned criteria. The conclusion recognises the increased ecological constraints rating due to the necessity of crossing the most watercourses that discharge to the River Barrow and River Nore SAC. It is stated that any environmental risks can be alleviated with appropriate OHL design and structure siting. This issue has been assessed in the submitted NIS and the AA in Section 8 of this report. The Project Route Options Report concludes that the slightly higher ecological constraints rating does not undermine Route A1 as the most optimal route corridor.
- 7.5.3. One of the appellants considers that the selection of the preferred route did not properly consider environmental impact and did not compare the options based on environmental impact. Another believes that the 'least cost, technical acceptable' criterion is inadequate for a public authority tasked with considering environmental impact and ensuring the proper planning and sustainable development of the area.
- 7.5.4. The ESB is a regulated utility by the Commission for Regulation of Utilities. It is required to divert overhead lines based on the Least Cost Technically Acceptable (LCTA) policy.
- 7.5.5. The LCTA is defined as the solution that is technically acceptable and that results in the least cost being incurred by the Distribution System Operator (ESB) in implementing the solution, as well as facilitating the long-term development of the electricity network in the area.
- 7.5.6. Having regard to the submitted Project Route Options Report, the environmental evaluation criteria used, and the submitted Great Island 38kV Line Justification, I am satisfied that the applicant, in this instance, has adequately explored reasonable alternatives with regard to overhead versus underground connections as well as route design options. In my view, the preferred option before the Board represents a reasonable option on which to undertake an assessment and evaluation to

determine whether the proposed development can be considered to be in accordance with the proper planning and sustainable development of the area.

7.6. Cultural Heritage

- 7.6.1. An appellant suggests that the applicant has failed to provide adequate information regarding the potential and likely impacts on the Protected Structure and the Protected Demesne of Landscape House.
- 7.6.2. Polesets 56 to 61 traverse the old demesne woodland associated with Landscape House, a c.1840 detached three-bay, two-storey over basement farmhouse and a Protected Structure. Most of this section crosses open agriculture grassland. However, the proposed OHLs also transect several sections of mature woodland.
- 7.6.3. A Vegetation Clearance Report was submitted as further information. The report was compiled with reference to guidelines outlined in the ESB Networks Functional Design Specification for 38kV Overhead Lines (Spec No:18145). A 38kV line passing through forests requires a 20m tree-exclusion corridor. An easement must be purchased from the landowner. The report details that a project requires a total vegetation clearance volume of 15,940.35m³.
- 7.6.4. The report includes drawings superimposed on aerial photographs to represent the proposed vegetation clearance. I note that there is no graphical representation for the area between 57 and 63 at Landscape House, where significant vegetation clearance is proposed.
- 7.6.5. The Ecological Impact Assessment (EclA) report highlights that from a review of historical mapping, these are persistent demise woodlands which have expanded and matured. I note that because of COVID restrictions at the time, access to all land parcels and habitats could not be arranged. Due to species diversity, potential to support breeding birds and terrestrial mammals and mature age structure, the EclA considers these woodlands to be of County Importance.
- 7.6.6. I note that between Polesets 56 and 61, 2,503 m³ of vegetation is to be removed, the majority of which is mature trees. I also note that the stated vegetation removal between Polesets 60-62 is 2039m³. Poleset 58 appears to be on the route of a historic avenue serving Landscape House.

- 7.6.7. In their appeal, the owners of Landscape House raise concerns that the submitted reports are not based on actual on-the-ground physical surveys of the land or the environment along the route of the proposed development. This appellant also considers that removing extensive mature native woodland from Alderton House and the curtilage of Landscape House is excessive when alternative options, such as undergrounding the line, exist.
- 7.6.8. The main concentration of the proposed felling of mature trees in the demesne of Alderton House, also a protected structure, is between polesets 18 and 21, where it is proposed to remove 3,041m³ of vegetation. This section of tree and hedgerow removal is part of the historic field boundaries of Alderton House. The house is on the opposite side of the road from the fields where the vegetation removal will occur. While I acknowledge sections of the boundary trees will be felled, I do not consider that removing the vegetation will seriously injure the architectural character and setting of Alderton House.
- 7.6.9. A Cultural Heritage Assessment Report has been submitted with the application. With regard to Architectural Heritage, the report concludes that *'given the structures of Architectural Heritage interest, it is considered that no predicted direct impacts will occur with respect to such structures during the construction phases of the development, although some trees with the extent of the demesne lands of Landscape House may require trimming or removal, no boundaries will be removed: the effect can be stated as Neutral.'*
- 7.6.10. I consider that the effect is greater than 'Neutral' and that the alteration of the historic tree line of the demesne of Landscape House is a loss to the quality of the historic landscape. It is an objective of the Wexford Development Plan (Objective BH16). 'To protect and manage trees in the curtilage of a Protected Structure or in close vicinity that contribute to its special character and setting.'
- 7.6.11. The Landscape and Visual Impact Assessment (LVIA) states that the OHL will be screened from direct views to the south from Landscape House by existing vegetation. The Assessment states that the landscape will experience a slight and adverse alteration due to the introduction of the proposed OHL and associated double poles. The magnitude of visual effects in available views are stated as being

negligible and the significance/quality will be imperceptible/neutral. The assessment was carried out without access to this private property.

- 7.6.12. After my site inspection I also consider that as the OHL and poles will not be readily visible from the protected structure, they will not seriously injure the architectural character and immediate setting of Landscape House. However, a considerable section of trees that form an integral element of the demesne of the protected structure will be lost.
- 7.6.13. The LVIA comments that some of the bands of the trees within the demesne landscape will require trimming or removal at the location where the line directly crosses. This assessment does not seem to take into account the scale of vegetation clearance between polesets 58-62 as detailed in the Vegetation Removal Report. The LVIA states alterations to trees will be visible and will effect adversely the visual amenity in available close distance view within the demesne landscape.
- 7.6.14. The route options presented did not include the possibility of relocating the Option A line to the south and undergrounding the line along the L8050 local road to avoid loss of mature trees, which are part of the demesne lands of Landscape house, a protected structure.
- 7.6.15. While I considered that this issue alone does not warrant a refusal of the overall scheme, the Board may want to investigate alternative route options to avoid impact on the historic landscape with the applicant.

7.7. Visual Amenity

- 7.7.1. A Landscape and Visual Impact Assessment (LVIA) of the proposed development in relation to the surrounding landscape has been submitted. The site is located within two Landscape Character Units: Lowlands and River Valley, as identified in the Landscape Character Assessment contained within the Wexford County Development Plan 2022-2028. The assessment study area includes three Distinctive Landscape Character Units: Camin Hill, Creakan Hill and Slieve Coillte. The LVIA has also taken into account the policies and landscape designations of the Kilkenny County Development Plan 2021-2027.

- 7.7.2. The majority of the proposed OHL is located in the 'Lowlands' Landscape Character Unit which is of low landscape sensitivity value. The Wexford Development Plan states that low sensitivity landscapes are more robust landscapes that are tolerant to change and can accommodate development without significant adverse impacts on the landscape's character. The landscape character will alter slightly with the vegetation clearance as per the Vegetation Removal Report and the construction of the OHL.
- 7.7.3. Aside from the concerns raised in section 7.6 relating to the impact the proposed development will have on the historic demesne of Landscape House, I consider that the landscape will alter slightly as a result of the vegetation clearance and the erection of the OHL and the support structures. While I recognise that the proposed development would intensify the prevalence of overhead lines in the area, I do not consider that it will significantly alter the overall landscape character of the area and will, therefore not be seriously injurious to the visual amenity of the area.

7.8. Bats

- 7.8.1. The lack of a habitat survey of bats and mitigation measures for the loss of bats has been raised in the grounds of appeal.
- 7.8.2. The submitted Ecological Impact Assessment Report states that the terrestrial habitats along the route corridor are considered highly favourable for all bats, increasing to very high for *Myotis* species and Brown long-eared bats. Potential impacts arising from vegetation corridor clearances include creating a gap in the woodland block or linear treeline feature, which may result in negative impacts on bats that use them as commuting and foraging results. The report states that there is potential for an elevated level of impact to bats in relation to areas of older demesne woodlands. The report highlights that potential damage or loss of old trees used as roosts by bats due to the presence of crevices or holes will result in the long-term loss of these features. In relation to bats the report concludes that in the absence of mitigation, impacts to bats arising from habitat loss and/or direct disturbance are considered to be significant at the local scale.
- 7.8.3. The applicant proposes a series of mitigation measures for the area of the demesne woodland. Mature trees with the potential to be utilised by roosting bats are to be

felled in the September-October period and should be subject to a specialist bat survey to confirm the absence of roosting bats. Felling of roost-supporting trees will be subject to application for a derogation licence from NPWS.

- 7.8.4. Given the sectional nature of the mature tree felling and the widespread prevalence of similar habitats adjoining the vegetation clearance corridors, I am satisfied that a full bat survey is not required at this stage. I consider that the proposed mitigation measures for the felling of mature trees with the potential to be utilised by roosting bats, which include the specialist bat survey and the application for a derogation licence from the NWPS, if required, are adequate to ensure that there will not be a significant impact on these protected species.
- 7.8.5. If the Board is minded to grant permission, I recommend that a condition be attached requiring the submission and agreement of a pre-felling bat survey for trees to be removed and appropriate sensitive methodologies for removing such trees.

7.9. Other Matters

7.9.1. The use of Creosote

The use of creosote has been highlighted in the grounds of appeal and its potential impact on the SAC. The applicant refers to EU regulation 2022/1950, which permits the continued use of creosoted wood poles for electricity utility pole purposes. All aspects of the proposed development have been considered in this report as part of the Appropriate Assessment, where it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (002162) and Lower River Suir Special Area of Conservation (Site Code: 002137), or any other European site, in view of the sites' Conservation Objectives.

7.9.2. Traffic

One of the grounds of appeal relates to the creation of waste during construction and the potential traffic impacts that may arise. Both a construction Methodology Report and an outline CEMP have been submitted with the application. I note, as detailed in the outline CEMP, that the nature of the work means that all machinery remains at

each structure location until completed, thereby minimising the access/egress required. The applicant proposes that a Construction Stage Management Plan will be developed prior to construction. Given the small-scale construction required in each location, I considered that a significant increase in traffic in the area would not be generated.

7.9.3. Noise

Concerns have been raised in the appeal relating to noise impacts on humans and wildlife from the proposed development. The impact of the proposed development on the Qualifying Interests of the River Barrow and River Nore SAC are dealt with in the Appropriate Assessment below. While I accept that there will be some noise during construction, given that a substantial element of the construction will be the erection of polests any noise will be very localised and extremely short in duration. I do not consider that noise will be significant during the operational phase of the development. Therefore, I consider that the proposed development will not be seriously injurious to the residential amenity of the area.

7.9.4. Hydrology

One of the points of appeal states that inadequate information has been submitted on the likely impacts on hydrology from the construction of the polesets and Steel Lattice Structure, especially on receiving waters and on vulnerable species, including the freshwater pearl mussel. A Construction Methodology Report and an outline Construction Environmental Management Plan were submitted with the planning application. I consider that adequate information has been supplied to assess the impact of the proposed development of the area on the Qualifying Interests of the River Barrow and River Nore SAC and adjoining watercourses. Mitigation measures to prevent surface and ground water pollution due to siltation have been detailed in the CEMP and the NIS.

The Appropriate Assessment below details the proposed construction mitigation measures to prevent deterioration of water quality siltation via surface water and construction-related pollution, as well as surface water pollution from construction works to tributary streams.

7.9.5. Safety

One of the concerns raised in the grounds of appeal related to the lack of information on the health and safety implications of the proposed electricity line across the appellant's land. In the applicant's submission, it is stated that the ESB's position on Electric & Magnetic Fields (EMF) and health is based on the authoritative conclusions and recommendations of established national and international health and scientific agencies that have reviewed the body of scientific research. It is stated that these agencies have consistently concluded that the research does not indicate that EMF causes any adverse health effects at the levels encountered in our everyday environment and that compliance with the existing ICNIRO standards provides sufficient public health protection. It is ESB policy to comply with the requirements of 1999/519/EC regarding the limitation of exposure of the public to electromagnetic fields (0 Hz to 300 GHz. I, therefore, consider that the proposed project will meet European Standards and is, therefore, acceptable.

7.9.6. Restriction on Future Development

A point of appeal claims that the proposed development will sterilise land that was earmarked for the dwellings for the appellant's children. The line of the proposed OHL does not cross any site where planning permission has been granted. I consider that as there are no current permissions granted on the site, a piece of energy infrastructure should not be restricted on the grounds of potential residential development on agricultural land that may or may not obtain planning permission or indeed take place.

7.9.7. SEA

A ground of appeal is that the proposed project should have been the subject of a Strategic Environmental Assessment (SEA). SEA is a process for the formal, systematic evaluation of the likely significant environmental effects of implementing a plan or programme before a decision is made to adopt the plan or programme. The proposed Great Island – Knockmullen 38kV is a project and, therefore, does not fall within the scope of the SEA Directive, and a SEA is not required.

7.9.8. Contributions

In the Wexford County Council Development Contribution Scheme 2018, a contribution will apply to each tower which supports overhead power lines above

220kV. As the proposed development is for a 38 kV electricity circuit, I do not consider that contributions should be applied in this instance.

8.0 Appropriate Assessment

8.1. AA Screening Determination

- 8.1.1. In accordance with Section 177U (4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the:

Estuaries [1130]

Mudflats and sandflats not covered by seawater at low tide [1140]

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Alosa fallax fallax (Twaite Shad) [1103]

Salmo salar (Salmon) [1106]

Lutra lutra (Otter) [1355]

of **River Barrow and River Nore SAC (002161)** and on the:

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]

Petromyzon marinus (Sea Lamprey) [1095]

Lampetra planeri (Brook Lamprey) [1096]

Lampetra fluviatilis (River Lamprey) [1099]

Alosa fallax fallax (Twaite Shad) [1103]

Salmo salar (Salmon) [1106]

of the **Lower River Suir SAC (002137)** 'alone' in respect of effects associated with Deterioration of water quality siltation via surface water and construction related, Surface water pollution from construction works to tributary streams and Human Disturbance during construction.

8.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

8.2. **Appropriate Assessment**

8.2.1. A number of grounds of appeal related to the NIS included the following:

- The absence of land surveys, site investigation, and habitat assessment undermines the AA and the NIS.
- The Natura Impact Statement lacks crucial information.
- There is no assessment or proposed mitigation measures for placing heavily creosoted poles near groundwater or existing watercourses.
- The Assessment of otter habitats is not comprehensive.
- The NIS was not updated to reflect the further information submitted, including hedge clearance, otter report and route selection information.
- The NIS did not adequately consider the Fresh Water Pearl.
- Best scientific practice was not adopted in the developer's AA screening document or the NIS.

8.2.2. Given the nature of the development, the localised nature of the construction work required for the erection of the OHL and the UGC and having reviewed the documents, submissions and consultations with the NPWS, etc, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects.

- **River Barrow and River Nore SAC (002161)**
- **Lower River Suir SAC (002137)**

8.2.3. Appropriate Assessment Conclusion

8.2.4. The Great Island – Knockmullen 38kV Project has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

8.2.5. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Barrow and River Nore Special Area of Conservation and Lower River Suir Special Area of Conservation. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its/their conservation objectives.

8.2.6. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (002162) and Lower River Suir Special Area of Conservation (Site Code: 002137), or any other European site, in view of the sites' Conservation Objectives.

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

8.2.8. The conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of River Barrow and River Nore SAC and Lower River Suir SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Barrow and River Nore SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lower River Suir SAC.

9.0 Recommendation

I recommend that subject to the conditions set out below, the Board grant permission for the proposed new electricity circuit between Knockmullen ESB substation, New Ross and Great Island generation station complex.

10.0 Reasons and Considerations

Having regard to:

- the nature, scale and extent of the proposed development,
- the characteristics of the entirety of the site and of the surrounding area,
- national, regional and local policy support for developing renewable energy, in particular:
 - National Planning Framework, 2018,
 - Climate Action Plan, 2023,
 - Government Policy Statement on the Security of Electricity Supply, 2021,
 - Regional Spatial and Economic Strategy for the Southern Region,
 - Wexford County Development Plan 2022-2028,
- the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely effects of the proposed development on European Sites,

It is considered that the proposed development would, subject to compliance with the conditions set out below, support national and regional energy security policy

objectives and objectives to upgrading existing electricity networks, would not conflict with the provisions of the Wexford County Development Plan 2022-2028, would not seriously injure the residential amenities of property in the vicinity, would not have significant adverse impacts on the environment, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10th day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), and the EcIA Report shall be implemented.

Reason: To protect the integrity of European Sites.

4. Prior to commencement of tree felling for OHL clearance corridors the developer shall engage a suitably qualified ecologist to carry out a bat survey of mature trees to confirm the absence of roosting bats. In the event that trees are identified hosting a bat roost or with potential for same, the developer is obliged to adhere to the legal provisions set out in Regulations 51 and if necessary, Regulation 54 (seek derogation licence) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021. Prior to the removal of mature trees within the clearance corridor, the bat survey results, methodologies for felling and any derogation licences shall be submitted for the written agreement of the planning authority.

Reason: In order to ensure the adequate protection of bats.

5. All mitigation measures in relation to archaeology and cultural heritage as set out in the Cultural Heritage Report (Byrne Mullins & Associates, July 2022) shall be implemented in full, except as may otherwise be required in order to comply with. The planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results 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 or other objects of archaeological interest

6. A detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

7. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Cultural Heritage Report (Byrne Mullins & Associates, July 2022). The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

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

8. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

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

9. The Knockmullen substation shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following

(a) A plan to scale of not less than [1:500] showing –

(i) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping.

(ii) The measures to be put in place for the protection of these landscape features during the construction period

(iii) The species, variety, number, size and locations of all proposed trees and shrubs [which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder] [which shall not include prunus species]

(b) A timescale for implementation [including details of phasing]

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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.

Peter Nelson
Senior Planning Inspector

30th September 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-318103-23		
Proposed Development Summary	Development of a new electricity circuit, consisting of a 12km 38kv Overhead line and 1.75km Underground Cable.		
Development Address	Green Island to New Ross, Couthy		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes			EIA Mandatory EIAR required
No	X		Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
No		N/A	
Yes	X	1(a) Restructuring of rural landholding 1(d)(iii) Deforestation 3(b) Energy Installation	Proceed to Q.4

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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: 30th September 2024

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP 318103	
Proposed Development Summary	Great Island _ Knockmullen 38kV Project	
Development Address	Great Island – Knockmullen, New Ross, County Wexford	
The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.		
	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	<p>Given the location of the application site starting at the existing Great Island Substation, the proposed development of c.12km of overhead 38kV lines and 1.75km underground cables is not considered exceptional in the context of the existing environment.</p> <p>The proposed development both during the construction and operational phases will not result in the production of any significant waste, emissions or pollutants.</p>	<p>No</p> <p>No</p>
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	<p>The size of the development, which includes an approximate 13.75 linear site and 12km of overhead wires is not considered exceptional in the context of the existing environment.</p> <p>While there are a number of electrical infrastructural projects in the area it is considered that the proposed 38kV line will not have a significant cumulative consideration having regard to other existing and permitted projects.</p>	<p>No</p> <p>No</p>

<p>Location of the Development</p> <p>Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location?</p> <p>Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?</p>	<p>A section of the proposed development is located in the River Barrow and River Nore Special Area of Conservation. The proposed development which includes the undergrounding of cables does not have the potential to significantly impact on the ecologically sensitive site or location.</p> <p>The proposed development for 38kV electricity circuit between the Knockmullen kV substation and the existing Great Island 220kV Substation does not have the potential to significantly affect other significant environmental sensitivities in the area.</p>	<p>No</p> <p>No</p>
<p style="text-align: center;">Conclusion</p>		
<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA is not required.</p>		

Inspector: _____

Date: 30th September 2024

DP/ADP: _____

Date: _____

(only where Schedule 7A information or EIAR required)

Appendix 3

Appropriate Assessment

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. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of each European site

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

The Habitats Directive deals with the Conservation of Natural Habitats and 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.

The proposed development is not directly connected to or necessary to the management of any European site and, therefore, is subject to the provisions of Article 6(3).

Screening for Appropriate Assessment Screening Determination

Description of the project

I have considered the Great Island – Knockmullen 38 kV Project in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

Approximately 240m of the proposed underground cabling is located within the River Barrow and River Nore Special Area of Conservation. For a large section, the overhead cable runs parallel to the SAC. At Priesthaggard, the proposed overhead cables are approximately 75m from the SAC, and at Landscape, the proposed overhead cabling is approximately 350m from the SAC. At no point is the OHL route located within the SAC boundary.

The site is located adjacent to the meeting of the River Barrow and River Barrow. Therefore, the area of the proposed underground cable is also approximately 500m from the Lower River Suir Special Area of Conservation.

The proposed development comprises the development of a new 38kV electricity circuit between the existing Knockmullen ESB Substation, New Ross, and the existing Great Island Substation, within the Great Island generation station complex.

The circuit - which traverses the townland of Great Island, Creakan Lower, Creakan Upper, Butlersland, Ballydock, Priesthaggard, Poulmaloe, Whitechurch, Dunganstown, Killowen, Oldcourt, Stokestown, Landscape, Camlin and Knockmullin, County Wexford, will be c.13.75 km in length and will consist of c.12 km of overhead line (OHL) and c.1.75 km of underground cable (UGC).

The OHL structures (87 no.) will consist of single and double wood polesets, with a height above ground level ranging from c.9.7 m to c. 18 m and will require below ground foundations and staywires at specific locations.

The UGC, will primarily run along public roads and will consist of electrical cables laid in underground ducts buried in a trench (with varying dimensions between c.0.6 m and c.0.9 m width and a depth of c.1.2 m).

Potential impact mechanisms from the project

The construction of the proposed development has the potential for unintended release of pollutants during construction to surface water from the proposed development, which can impact water quality.

Construction activities can also generate increased noise levels, vibration, and human activity.

Part of the site is located in the River Barrow and River Nore SAC. The work relates to laying underground cables, including trenching and duct laying within the bounds of the existing old jetty access road. I considered that there will not be any significant direct impacts on the River Barrow and River Nore SAC. Given the separation distance between the proposed works and the Lower River Suir SAC, I consider that it is not likely that there will be any significant direct impacts to this European Sites.

Potential indirect impacts and effect mechanism from the proposed development on the on the qualifying interests of both the River Barrow and River Nore SAC and Lower River Suir SAC include:

Surface water pollution (silt/ hydrocarbon/ construction related) from construction works, especially for the UGC, resulting in changes to environmental conditions such as water quality/ habitat degradation.

Surface water pollution (silt/ hydrocarbon/ construction related) from construction works to tributary streams entering the estuary.

Human disturbance during construction particularly along cable trench route in close proximity to shoreline- resulting in disturbance and displacement effects to Otter.

Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality, that require maintenance of natural vegetation composition and for mobile species, unimpeded access.

One of the appellant's comments that AA did not address the River Nore Special Protection Area (SPA). The proposed site is approximately 14km from the River Nore Special Protection Area and I consider that there is no significant pathway or

function link from the site to the River Nore SPA and its qualifying interest: the Kingfisher. I therefore considered that the River Nore SPA does not need to be considered further.

European Sites at Risk

TABLE 1 EUROPEAN SITES AT RISK FROM IMPACTS OF THE PROPOSED PROJECT

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
<p>A: Deterioration of water quality siltation via surface water and construction related pollution.</p> <p>B. Surface water pollution from construction works to tributary streams</p>	<p>The site of laying of UGC is in very close proximity to River Barrow.</p> <p>The OHL route crosses 5 watercourses which discharge to the River Barrow. Several polesets will be erected within 25m of these tributaries.</p>	River Barrow and River Nore SAC (002161)	<p>Riparian Habitats</p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p><i>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</i></p> <p><i>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion</i></p>

			<i>incanae, Salicion albae</i>) [91E0] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106]
C. Human Disturbance during construction	Site of proposed UGC trenching in close proximity to the shoreline of the River Barrow and		Lutra lutra (Otter) [1355]
A: Deterioration of water quality siltation via surface water and construction related pollution. B. Surface water pollution from	The site of laying of UGC is in adjacent to where the Lower Suir meets the River Barrow. The OHL route crosses 5 watercourses which discharge to the River Barrow, and the confluence with	Lower River Suir SAC (002137)	Riparian Habitats Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330] Petromyzon marinus (Sea Lamprey) [1095]

construction works to tributary streams	the Lower River Suir. Several polesets will be erected within 25m of these tributaries.		<p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>]</p>
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River Barrow and River Nore SAC

This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford.

The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. Major towns along the edge of the site include Mountmellick, Portarlinton, Monasterevin, Stradbally, Athy, Carlow, Leighlinbridge, Graiguenamanagh, New Ross, Inistioge, Thomastown, Callan, Bennettsbridge, Kilkenny and Durrow. The larger of the many tributaries include the Lerr, Fushoge, Mountain, Aughavaud, Owenass, Boherbaun and Stradbally Rivers of the Barrow, and the Delour, Dinin, Erkina, Owveg, Munster, Arrigle and King's Rivers on the Nore.

Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown. Before joining the Barrow, it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also run through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by

glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

Given the potential impact mechanisms from the project I consider that water-based habitats and species are Qualifying interest features at risk. The otter is also at risk from potential disturbance.

As Freshwater Pearl Mussel is found further upstream from the proposed development it is not considered that this Qualifying Interest from the proposed development.

Lower River Suir SAC

Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries including the Clodiagh in Co. Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co. Tipperary. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford.

Upstream of Waterford city, the swinging meanders of the Suir criss-cross the Devonian sandstone rim of hard rocks no less than three times as they leave the limestone-floored downfold below Carrick-on-Suir. In the vicinity of Carrick-on-Suir, the river follows the limestone floor of the Carrick Syncline. Upstream of Clonmel the river and its tributaries traverse Upper Palaeozoic Rocks, mainly the Lower Carboniferous Visean and Tournaisian. The freshwater stretches of the Clodiagh River in Co. Waterford traverse Silurian rocks, through narrow bands of Old Red Sandstone and Lower Avonian Shales, before reaching the carboniferous limestone close to its confluence with the Suir. The Aherlow River flows through a Carboniferous limestone valley, with outcrops of Old Red Sandstone forming the Galtee Mountains to the south and the Slievenamuck range to the north. Glacial deposits of sands and gravels are common along the valley bottom, flanking the present-day river course.

Given the potential impact mechanisms from the project I consider that water-based habitats and species are Qualifying interest features at risk.

As Freshwater Pearl Mussel is found further upstream from the proposed development it is not considered that this Qualifying Interest from the proposed development.

Likely significant effects on the European sites 'alone'

TABLE 2: COULD THE PROJECT UNDERMINE THE CONSERVATION OBJECTIVES 'ALONE'				
European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?		
		Effect A	Effect B	Effect C
River Barrow and River Nore SAC (002161)				
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries. Habitat Area: The permanent habitat area is stable or increasing, subject to natural processes.	Y	Y	N
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of the Mudflats and sandflats. Habitat Area: The permanent habitat area is stable or increasing, subject to natural processes.	Y	Y	N
Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	To restore the favourable conservation condition of Atlantic salt meadows. Habitat Area: Area stable or increasing, subject to natural processes, including erosion and succession.	Y	Y	N
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]	To restore the favourable conservation condition of Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> . Woodland structure: veteran trees: No decline	N	N	N
<i>Petromyzon marinus</i> (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea lamprey. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Y	Y	N

Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook lamprey. Distribution: Access to all watercourses down to first order stream.	Y	Y	N
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of River lamprey. Distribution: extent of anadromy: Greater than 75% of main stem and major tributaries down to second order accessible from estuary	Y	Y	N
Alosa fallax fallax (Twaite Shad) [1103]	To restore the favourable conservation condition of Twaite shad. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Y	Y	N
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon. Distribution: extent of anadromy: 100% of river channels down to second order accessible from estuary	Y	Y	Y
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter. Distribution: No significant decline.	Y	Y	Y
Lower River Suir SAC (002137)				
Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330]	To restore the favourable conservation condition of Atlantic salt meadows. Habitat area: Area stable or increasing, subject to natural processes, including erosion and succession.	Y	Y	N
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Y	Y	N
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook Lamprey. Distribution: Access to all water courses down to first order streams	Y	Y	N
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of River Lamprey.	Y	Y	N

	Distribution: Access to all water courses down to first order streams			
<i>Alosa fallax fallax</i> (Twaite Shad) [1103]	To restore the favourable conservation condition of Twaite Shad. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Y	Y	N
<i>Salmo salar</i> (Salmon) [1106]	To restore the favourable conservation condition of Atlantic Salmon. Distribution: extent of anadromy: 100% of river channels down to second order accessible from estuary	Y	Y	N

I conclude that the proposed development would have a likely significant effect 'alone' on

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

of River Barrow and River Nore SAC (002161) from effects associated with Deterioration of water quality siltation via surface water and construction related pollution, surface water pollution from construction works to tributary streams and human disturbance during construction. I also conclude that the proposed development would have a likely significant effect 'alone' on

- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]

- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]

of Lower River Suir SAC (002137) from effects associated with Deterioration of water quality siltation via surface water and construction related pollution, surface water pollution from construction works to tributary streams

An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

Overall Conclusion- Screening Determination

In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information

I conclude that the proposed development is likely to have a significant effect on the:

- Estuaries [1130]
- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]
- *Lampetra fluviatilis* (River Lamprey) [1099]
- *Alosa fallax fallax* (Twaite Shad) [1103]
- *Salmo salar* (Salmon) [1106]
- *Lutra lutra* (Otter) [1355]

of River Barrow and River Nore SAC (002161) and on the:

- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]
- *Petromyzon marinus* (Sea Lamprey) [1095]
- *Lampetra planeri* (Brook Lamprey) [1096]

- Lampetra fluviatilis (River Lamprey) [1099]
- Alosa fallax fallax (Twaite Shad) [1103]
- Salmo salar (Salmon) [1106]

of the Lower River Suir SAC (002137) 'alone' in respect of effects associated with Deterioration of water quality siltation via surface water and construction related, Surface water pollution from construction works to tributary streams and Human Disturbance during construction.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

The Natura Impact Statement

The application included a NIS: Great Island – Knockmullen 38 kV Co. Wexford, September 2022 which examines and assess potential adverse effects of the proposed development on the following European Sites.

The applicant's NIS was prepared in line with current best practice guidance and provided an assessment of any adverse impacts that the construction and operation of the proposed 38kV development, comprising respective overhead lines (OHL) and underground cables (UGC) might have on the integrity of the following European Sites:

- River Barrow and River Nore SAC
- Lower River Suir SAC.

The NIS uses the most recently undated site synopses and conservation objectives documents sourced from the NPWS website.

I note that an otter survey report which took place on the 28th March 2023, was submitted as part of further information. The applicant considered that no additional mitigation measures beyond those already contained in the NIS were necessary. I will have regard to the submitted Otter Survey in dealing with this Appropriate Assessment.

I consider the information in the NIS and Planning Application adequate to carry out an Appropriate Assessment of the proposed development.

The applicant's NIS concludes that:

'This NIS provides a complete, precise and scientifically-robust assessment, in the light of the best scientific knowledge, of the possible adverse effects of the proposed development on the integrity of any European Sites within the identified Zone of Influence. The assessment has shown that, based on the evaluation completed and following the implementation of mitigation measures, the proposed development either alone in combination with any other projects or plans, will not adversely affects the integrity of any European Sites.'

A number of grounds of appeal related to the NIS included the following:

- The absence of land surveys, site investigation, and habitat assessment undermines the AA and the NIS.
- The Natura Impact Statement lack crucial information.
- There is no assessment or proposed mitigation measures for placing heavily creosoted poles near groundwater or existing watercourses.
- The Assessment of otter habitats is not comprehensive.
- The NIS was not updated to reflect the further information submitted, including hedge clearance, otter report and route selection information.
- The NIS did not address the River Nore Special Protection Area.
- Best scientific practice was not adopted in the developer's AA screening document or the NIS.

Given the nature of the development, the localised nature of the construction work required for the erection of the OHL and the UGC and having reviewed the documents, submissions and consultations with the NPWS, etc, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects.

Appropriate Assessment of implications of the proposed development

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in

significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

I have referenced the following guidance when carrying out my assessment:

DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin

EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC Managing Natura 2000 sites.

The provisions of Article 6 of the Habitats Directive 92/43/EEC]

[I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website (www.npws.ie)

European Sites

The following sites are subject to Appropriate Assessment:

River Barrow and River Nore Special Area of Conservation (Site Code:002162)

Lower River Suir Special Area of Conservation (Site Code: 002137)

River Barrow and River Nore Special Area of Conservation (Site Code:002162)

This site consists of the freshwater stretches of the Barrow and Nore River catchments as far upstream as the Slieve Bloom Mountains, and it also includes the tidal elements and estuary as far downstream as Creadun Head in Waterford. The site passes through eight counties – Offaly, Kildare, Laois, Carlow, Kilkenny, Tipperary, Wexford and Waterford. Major towns along the edge of the site include Mountmellick, Portarlinton, Monasterevin, Stradbally, Athy, Carlow, Leighlinbridge, Graiguenamanagh, New Ross, Inistioge, Thomastown, Callan, Bennettsbridge, Kilkenny and Durrow. The larger of the many tributaries include the Lerr, Fushoge, Mountain, Aughavaud, Owenass, Boherbaun and Stradbally Rivers of the Barrow, and the Delour, Dinin, Erkina, Owveg, Munster, Arrigle and King's Rivers on the Nore.

Both rivers rise in the Old Red Sandstone of the Slieve Bloom Mountains before passing through a band of Carboniferous shales and sandstones. The Nore, for a large part of its course, traverses limestone plains and then Old Red Sandstone for a short stretch below Thomastown. Before joining the Barrow, it runs over intrusive rocks poor in silica. The upper reaches of the Barrow also run through limestone. The middle reaches and many of the eastern tributaries, sourced in the Blackstairs Mountains, run through Leinster Granite. The southern end, like the Nore runs over intrusive rocks poor in silica. Waterford Harbour is a deep valley excavated by glacial floodwaters when the sea level was lower than today. The coast shelves quite rapidly along much of the shore.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[1130] Estuaries
 [1140] Tidal Mudflats and Sandflats
 [1170] Reefs
 [1310] Salicornia Mud
 [1330] Atlantic Salt Meadows
 [1410] Mediterranean Salt Meadows [3260] Floating River Vegetation [4030] Dry Heath
 [6430] Hydrophilous Tall Herb Communities
 [7220] Petrifying Springs*
 [91A0] Old Oak Woodlands
 [91E0] Alluvial Forests*
 [1016] Desmoulin's Whorl Snail (*Vertigo moulinsiana*)
 [1029] Freshwater Pearl Mussel (*Margaritifera margaritifera*)
 [1092] White-clawed Crayfish (*Austropotamobius pallipes*)
 [1095] Sea Lamprey (*Petromyzon marinus*)
 [1096] Brook Lamprey (*Lampetra planeri*)
 [1099] River Lamprey (*Lampetra fluviatilis*)
 [1103] Twaite Shad (*Alosa fallax*)
 [1106] Atlantic Salmon (*Salmo salar*)
 [1355] Otter (*Lutra lutra*)
 [1421] Killarney Fern (*Trichomanes speciosum*)

Lower River Suir Special Area of Conservation (Site Code: 002137)

Lower River Suir SAC consists of the freshwater stretches of the River Suir immediately south of Thurles, the tidal stretches as far as the confluence with the Barrow/Nore immediately east of Cheekpoint in Co. Waterford, and many tributaries

including the Clodiagh in Co. Waterford, the Lingaun, Anner, Nier, Tar, Aherlow, Multeen and Clodiagh in Co. Tipperary. The Suir and its tributaries flow through the counties of Tipperary, Kilkenny and Waterford.

Upstream of Waterford city, the swinging meanders of the Suir crisscross the Devonian sandstone rim of hard rocks no less than three times as they leave the limestone-floored downfold below Carrick-on-Suir. In the vicinity of Carrick-on-Suir, the river follows the limestone floor of the Carrick Syncline. Upstream of Clonmel, the river and its tributaries traverse Upper Palaeozoic Rocks, mainly the Lower Carboniferous Visean and Tournaisian. The freshwater stretches of the Clodiagh River in Co. Waterford traverse Silurian rocks, through narrow bands of Old Red Sandstone and Lower Avonian Shales, before reaching the carboniferous limestone close to its confluence with the Suir. The Aherlow River flows through a Carboniferous limestone valley, with outcrops of Old Red Sandstone forming the Galtee Mountains to the south and the Slievenamuck range to the north. Glacial deposits of sands and gravels are common along the valley bottom, flanking the present-day river course.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes)

[1330] Atlantic Salt Meadows
[3260] Floating River Vegetation
[6430] Hydrophilous Tall Herb Communities
[91A0] Old Oak Woodlands
[91E0] Alluvial Forests*
[91J0] Yew Woodlands*
[1029] Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>)
[1092] White-clawed Crayfish (<i>Austropotamobius pallipes</i>)
[1095] Sea Lamprey (<i>Petromyzon marinus</i>)
[1096] Brook Lamprey (<i>Lampetra planeri</i>)
[1099] River Lamprey (<i>Lampetra fluviatilis</i>)
[1103] Twaite Shad (<i>Alosa fallax</i>)
[1106] Atlantic Salmon (<i>Salmo salar</i>)
[1355] Otter (<i>Lutra lutra</i>)

Aspects of the proposed development.

The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

Impact to water quality and wetland habitats and species through deterioration of water quality siltation via surface water and construction-related pollution.

Impact to water quality and wetland habitats through surface water pollution from construction works to tributary streams.

Human Disturbance to otters during construction.

I do not consider that there will be significant effects on the qualifying interest of the SACs during the operation of the proposed development.

Table 3: AA summary matrix for River Barrow and River Nore Special Area of Conservation

RIVER BARROW AND RIVER NORE SPECIAL AREA OF CONSERVATION (002161)					
<p>Summary of Key Issues that could give rise to adverse effects:</p> <ul style="list-style-type: none"> • Deterioration of water quality siltation via surface water and construction related pollution. • Surface water pollution from construction works to tributary streams. • Human Disturbance during construction <p>Conservation Objectives</p>					
Summary of Appropriate Assessment					
Qualifying Interest Features	Conservation Objectives Targets and Attributes	Potential Adverse Effects	Mitigation Measures	In-Combination Effects	Can adverse Effects on Integrity be excluded.
Estuaries [1130]	To maintain the favourable conservation condition of Estuaries. Habitat Area: The permanent habitat area is stable or increasing, subject to natural processes.	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Mudflats and sandflats not	To maintain the favourable	Deterioration of water quality	Silt fencing between the poleset and the watercourse is to be	None	Yes

covered by seawater at low tide [1140]	conservation condition of the Mudflats and sandflats. Habitat Area: The permanent habitat area is stable or increasing, subject to natural processes.	siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.		
Atlantic salt meadows (Glaucopuccinellietalia maritimae) [1330]	To restore the favourable conservation condition of Atlantic salt meadows. Habitat Area: Area stable or increasing, subject to natural processes, including erosion and succession.	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-	To restore the favourable conservation condition of Alluvial forests	Deterioration of water quality siltation via surface water	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6.	None	Yes

Padion, Alnion incanae, Salicion albae) [91E0]	with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae. Woodland structure: veteran trees: No decline	and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the UGC route and the estuary shoreline is to be implemented.		
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea lamprey. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook lamprey. Distribution: Access to all	Deterioration of water quality siltation via surface water and construction related pollution.	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6.	None	Yes

	watercourses down to first order stream.	Surface water pollution from construction works to tributary streams	Silt fencing between the UGC route and the estuary shoreline is to be implemented.		
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation condition of River lamprey. Distribution: extent of anadromy: Greater than 75% of main stem and major tributaries down to second order accessible from estuary	Deterioration of water quality siltation via surface water and construction-related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Alosa fallax fallax (Twaite Shad) [1103]	To restore the favourable conservation condition of Twaite Shad. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes

	accessible from estuary				
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Salmon. Distribution: extent of anadromy: 100% of river channels down to second order accessible from estuary	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Lutra lutra (Otter) [1355]	To restore the favourable conservation condition of Otter. Distribution: No significant decline.	Human Disturbance during construction	A pre-construction survey is to be carried out to ensure the absence of breeding otters. If any holts or resting places are recorded during pre-construction surveys, construction works will be timed accordingly to prevent any potential disturbance to the local otter population.	None	Yes

Overall Conclusion: Integrity Test

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

Table 4: AA summary matrix for Lower River Suir Special Area of Conservation (002137)

LOWER RIVER SUIR SPECIAL AREA OF CONSERVATION Summary of Key Issues that could give rise to adverse effects: <ul style="list-style-type: none"> • Deterioration of water quality siltation via surface water and construction related pollution. • Surface water pollution from construction works to tributary streams. Conservation Objectives					
Summary of Appropriate Assessment					
Qualifying Interest Features	Conservation Objectives Targets and Attributes	Potential Adverse Effects	Mitigation Measures	In-Combination Effects	Can adverse Effects on Integrity be excluded.
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	To restore the favourable conservation condition of Atlantic salt meadows. Habitat area: Area stable or increasing, subject to natural processes, including	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes

	erosion and succession.				
Petromyzon marinus (Sea Lamprey) [1095]	To restore the favourable conservation condition of Sea Lamprey. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Lampetra planeri (Brook Lamprey) [1096]	To restore the favourable conservation condition of Brook Lamprey. Distribution: Access to all water courses down to first order streams	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Lampetra fluviatilis (River Lamprey) [1099]	To restore the favourable conservation	Deterioration of water quality siltation via	Silt fencing between the poleset and the watercourse is to be implemented at poleset	None	Yes

	condition of River Lamprey. Distribution: Access to all water courses down to first order streams	surface water and construction related pollution. Surface water pollution from construction works to tributary streams	locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.		
Alosa fallax fallax (Twaite Shad) [1103]	To restore the favourable conservation condition of Twaite Shad. Distribution: extent of anadromy: Greater than 75% of main stem length of rivers accessible from estuary	Deterioration of water quality siltation via surface water and construction related pollution. Surface water pollution from construction works to tributary streams	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6. Silt fencing between the UGC route and the estuary shoreline is to be implemented.	None	Yes
Salmo salar (Salmon) [1106]	To restore the favourable conservation condition of Atlantic Salmon. Distribution: extent of anadromy:	Deterioration of water quality siltation via surface water and construction related pollution.	Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6.	None	Yes

	100% of river channels down to second order accessible from estuary	Surface water pollution from construction works to tributary streams	Silt fencing between the UGC route and the estuary shoreline is to be implemented.		
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Overall Conclusion: Integrity Test

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

Mitigation Measures

The Mitigation Measures, as listed in the NIS include the following:

- Silt fencing between the poleset and the watercourse is to be implemented at poleset locations 9,21,36,47,48,49,50 and 6.
- Silt fencing between the UGC route and the estuary shoreline is to be implemented.
- A pre-construction survey is to be carried out to ensure the absence of breeding otters.
- If any holts or resting places are recorded during pre-construction surveys, construction works will be timed accordingly to prevent any potential disturbance to the local otter population.

General mitigation measures for the erection of the poles for the OHL include:

- Drainage runoff controls such as silt traps will be temporarily provided adjacent to excavations and installed before starting site clearance and earthworks.
- Excavations will be carefully backfilled with excavated material.
- Excavation works will not be carried out during or following heavy rainfall.
- All hazardous substances on site will be controlled in accordance with the Code of Practice for Chemical Agents Regulations 2016.
- No hydrocarbon storage will occur within 50m of any water body.
- Emergency procedures and spillage kits will be available, and construction staff will be familiar with them.
- Re-fueling of plant will not occur within 50m of any waterbody and only in bunded re-fueling areas.
- Poles and sleepers are to be delivered to the temporary works compound on a just-in-time basis.
- Creosote-treated wooden poles and sleepers will be stored under cover at the compound.

General Mitigation measures associated with UGC include:

- Excavations will be kept to a minimum.

- Avoiding work near drains during or after prolonged rainfall or an intense rainfall event.
- Ceasing work entirely near drains when it is evident that pollution is occurring.
- Where there is a risk of erosion runoff to watercourse from construction related activity, silt fences or other appropriate silt retention measures will be installed parallel to the road and between the works and watercourse.
- Surface water/groundwater which has become silted within the trenches/joint bays will be pumped/discharged to a designated percolation area.
- Heavy siltation water will be tankered off-site for disposal at appropriate licensed landfill or pumped onsite settlement tank for treatment.

In combination effects

Section 6.3 of the NIS provides that the proposed development was considered in combination with other plans or projects in the area with the potential to cause cumulative effects on the River Barrow and River Nore SAC and Lower River Suir SAC. Projects were considered in the context of their scale, nature of construction and likelihood of discharges. Potential for interaction with the proposed 38kV development was considered in the context of the likelihood of the impacts of other developments, mitigation proposed as part of their respective planning applications and overall feasibility of impacts interactions as a consequence of proximity to the proposed route and the nature of any potential impact pathways.

The developments considered were as follows:

Development Name	Nature of Potential Interaction	Assessment of Potential Interaction
Great Island Generating Station	Spatial overlap (UGC originates within the Great Island site boundary)	No significant cumulative effects are predicted
Knockmullen 38 kV substation	Spatial overlap (OHL terminates at substation)	No significant cumulative impacts are predicted due to the absence of construction phase overlaps.

Ballyedock Solar Farm & Grid Connection.	Close proximity to development site/ spatial overlap of grid connection.	No significant cumulative effects are predicted.
Great Island – Kilkenny 110kV update	Spatial overlap	No significant cumulative effects are predicted.
New Ross N25 Bypass.	Spatial overlap.	No significant cumulative effects are predicted.

I consider that on the basis supplied in the NIS that the proposed project in combination with other plans or projects would not adversely affect the River Barrow and River Nore Special Area of Conservation and Lower River Suir Special Area of Conservation in light of their Conservation Objectives.

Integrity Test

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of River Barrow and River Nore Special Area of Conservation in view of the Conservation Objectives of this site.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and particulars.

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Lower River Suir Special Area of Conservation in view of the Conservation Objectives of this site.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and particulars.

Appropriate Assessment Conclusion

The Great Island – Knockmullen 38kV Project has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on River Barrow and River Nore Special Area of Conservation and Lower River Suir Special Area of Conservation. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of its/their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the River Barrow and River Nore Special Area of Conservation (002162) and Lower River Suir Special Area of Conservation (Site Code: 002137), or any other European site, in view of the sites' Conservation Objectives.

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

The conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project, including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of River Barrow and River Nore SAC and Lower River Suir SAC.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of River Barrow and River Nore SAC.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Lower River Suir SAC.