



An
Bord
Pleanála

Inspector's Report ABP-319252-24

Development

Proposed 220kV AIS single bay tail-fed electricity substation with the associated grid connection between the proposed substation and the existing Dunnstown 440/200kV substation comprising of 220kV underground electricity cables and all associated site works

Location

located in the townlands of Delamain and Dunnstown, Co. Kildare.
(www.delamain220kvsbustation.ie)

Planning Authority

Kildare County Council

Applicant(s)

Delamain Solar Farm Limited

Type of Application

Application under the provisions of 182A of the Planning and Development Act 2000 (as amended)

Observer(s)

1. Transport Infrastructure Ireland,
2. Department of Housing, Local Government and Heritage

3. Kildare County Council
4. Hugh & Anne Crowley
5. Susanne Quinn
6. Harristown & Coughlanstown
Community Group
7. Debbie & Colm Diver

Date of Site Inspection

18th of October 2024

Inspector

Adrian Ormsby

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1.0 Introduction

- 1.1.** An application has been made by Delamain Solar Farm Limited under the provisions of section 182A of the Planning and Development Act 2000, as amended ('the Act'), for the development of a 220kV AIS single bay tail-fed electricity substation with the associated grid connection between the proposed substation and the existing Dunnstown 440/200kV substation comprising of 220kV underground electricity cables and all associated site works in the townlands of Delamain and Dunnstown, Co. Kildare.
- 1.2.** Pre-application consultations were held between the applicant and the Board as required under Section 182E of the Act (ABP Ref. ABP-315433-23) in relation to a 220kV Air Insulated (AIS) tail fed substation with the associated grid connection comprising 220kV underground cabling to connect into the existing 400/220kV Dunnstown substation.
- 1.3.** On the 08th of May 2023 the Board decided that the proposal is strategic infrastructure and falls within the scope of Section 182A of the Act, and therefore any application for approval must be made directly to the Board under Section 182A (1) of the Act.

2.0 Site Location and Description

- 2.1.** The application site has a stated site area of 4.3 hectares and is located in the townlands of Delamain and Dunnstown, Co. Kildare c. 7.3km south of Naas on the R412 Regional Road.
- 2.2.** The area can be described as rural and agricultural in nature with some one-off rural housing in the area. Much of the site itself includes c. 1.1km of the public road R418, with the remainder an agricultural field enclosed to its north and east by existing forestry. The site in private lands is generally flat and wraps around an existing area of mature forestry.
- 2.3.** The part of the site in private lands is accessed from an existing agricultural gate off the R412. Much of this part of the site is located c. 0.6 km southeast of the existing Dunnstown 400/220kV Substation. The boundary of the site from the entrance northwards to the entrance to the existing Dunnstown substation benefits from

significant hedgerow and tree growth making visibility into the site and surrounding areas largely limited along and from the R412.

2.4. The site is located c.

3.0 Proposed Development

3.1. The proposed development comprises-

- a 220kV AIS single bay tail-fed electricity substation
- (overall compound area of) approx. 6,284 sq.m¹
- perimeter security fencing 2.6m high,
- Eirgrid control building- c. 8.336m high, c. 195 sq.m gfa
- IPP control building- c.6.74m high, c. 300 sq.m gfa
- Four lighting masts 18m max, three located centrally in compound with one to northwest corner of transformer and substation site,
- One telecoms pole, 20.7m high between the Eirgrid and IPP buildings,
- Concrete Post and rail fence 1.4m
- Foul wastewater vented holding tank with 5m³ capacity to be monitored and alarmed for periodic disposal at three-month intervals or as required²
- Connection to Uisce Eireann watermain along R412 or if not feasible a bored well will be provided on site³
- The proposal provides associated grid connection between the proposed substation and the entrance to the existing Dunnstown 400/220kV substation. Overall, the proposal will ultimately connect the permitted Delamain Solar Farm (ABP-318785-24) to the National Grid.
- The proposal comprises 220kV underground electricity cables of c.1.26 km in length. This will be located within the private element of the application site boundary and in the R412 public road. It will require an excavated trench with

¹ Section 5 of Construction Methodology Report

² Section 5.3.2 of Construction Methodology Report

³ Section 5.3.3 of Construction Methodology Report, bored well shown on drawing DLMN-DR-030

associated fibre cable and ducting, and all associated site development and reinstatement works

- Operational access will be via the existing vehicular entrance (to be widened to facilitate the development) from the R412 and a 4.5m wide access track into the site.

3.2. The application is accompanied by the following documentation:

- Planning and Environmental Statement by HW Planning
- EIA Screening Statement by HW Planning
- Delamain 220kV Substation and Grid Connection - Construction Methodology Report by Delamain Solar Farm Limited
- Ecological Impact Assessment by Greenleaf Ecology
- Appropriate Assessment Screening Report by Greenleaf Ecology
- Archaeological and Architectural Heritage Assessment by John Cronin and Associates
- Site Access Report prepared by CSEA Engineering Advisors
- Landscape and Visual Impact Assessment by Macro Works including photomontages booklet by Macro Works
- Noise Impact Assessment by DK Partnership
- Electromagnetic Field (EMF)/Electromagnetic Compatibility (EMC) Impact Assessment Report by Ai Bridges (Prepared for Delamain Solar Farm ABP-318785-)
- Decommissioning and Site Restoration Plan
- Construction and Environmental Management Plan (CEMP) by Delamain Solar Farm Limited and
- Site Specific Flood Risk Assessment by IE Consulting

4.0 Planning History

4.1. This and adjoining sites-

- 23/567 and ABP-318785-24- Permission **granted** on 20/08/24 by ABP for a Solar Farm and associated ancillary works. The subject application site forms part of this application site.

4.2. Relevant nearby sites-

- 24/60171 and ABP-319968-24- application for permission for new agricultural entrance and all associated site work- first party appeal to site just north of substation and adjoining site of subject roadworks to R412- **not determined at time of writing**
- ABP-316372-23- 'Kildare-Meath Grid Upgrade' - Proposed development of a 400 kV underground cable between Dunnstown 400 kV substation and Woodland 400 kV substation **not determined at time of writing**
- 21/608 and (ABP-310841-21 Permission quashed) reactivated as ABP 319518-24. Site located c.600m northeast of main substation site, construction of enclosed battery energy storage system compound and all associated site works- **not determined at time of writing**
- 21/1175- extension **granted** to the western boundary of the existing Dunnstown 400 kV substation to allow connection of series compensation equipment to the Dunnstown-Moneypoint 400 kV circuit, located c. 0.5km north of main substation part of site.

4.3. Pertinent developments permitted in wider area

- 22/111 and ABP-314320-22 Swordlestown Solar Farm **Grant 02/02/24** c. 3.5km NE of site
- 24/60079- solar PV Energy Development, **Further information requested-** 26/03/24 c 3km east of the site.

5.0 Policy Context

5.1. National Policy

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

5.1.2. 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.

5.1.3. The Climate Action Plan 2024 (CAP 24) follows the commitment in the Climate Act and sets out the range of emissions reductions required for each sector to achieve the committed to targets. CAP 24 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 24 sets a target of providing 8GW from solar energy.

5.1.4. National Planning Framework (NPF)

5.1.5. 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).

5.1.6. 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 with a

“strategic aim to increase renewable deployment in line with EU targets and national policy objectives out to 2030 and beyond”.

5.1.7. It is stated in the NPF (P.15) 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.”

5.1.8. National Policy Objective (NPO 55) seeks to-

“Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050”.

5.1.9. Government Policy Statement on Security of Electricity Supply, November 2021

5.1.10. This Policy Statement details 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 details 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.

5.1.11. The key challenges to ensuring security of electricity supply are set out in section 2 and 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”*

Section 3 of the Policy Statement details 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”....*

5.1.12. It further details 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

5.2.1. Regional Spatial and Economic Strategy (RSES) for the Eastern & Midland Regional Assembly 2019-2031

5.2.2. Section 2.3 details 16 Regional Strategic Outcomes. No. 9 seeks to “Support the Transition to Low Carbon and Clean Energy” i.e.-

“Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon” economy by 2050. (NSO 8, 9)

5.2.3. The following Regional Policy Objectives are relevant-

- *RPO 7.35: EMRA shall, in conjunction with local authorities in the Region, identify Strategic Energy Zones as areas suitable for larger energy generating projects, the role of community and micro energy production in urban and rural settings and the potential for renewable energy within industrial areas. The Strategic Energy Zones for the Region will ensure all environmental constraints are addressed in the analysis. A regional landscape strategy could be developed to support delivery of projects within the Strategic Energy Zones.*
- *RPO 10.20: Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to*

facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.

- *RPO 10.22: Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people, including:*
 - *.....*
 - *Facilitate the delivery of the necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner*
 - *support the safeguarding of strategic energy corridors from encroachment by other developments that could compromise the delivery of energy networks.*

5.3. Local Policy

5.3.1. Kildare County Development Plan 2023-2029

5.3.2. The following sections, policies and objectives are relevant-

- Chapter 7 Energy and Communications-
 - *EC P2- Promote renewable energy use generation and associated electricity grid infrastructure at appropriate locations within the built environment and open countryside to meet national objectives towards achieving a net zero carbon economy by 2050.*
 - *EC O2- Adopt an informed and positive approach to renewable energy proposals, having regard to the proper planning and sustainable development of the area, including community, environmental and landscape impacts and impacts on protected or designated heritage areas / structures.*

- *EC O3 Support initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally and socially acceptable manner.*
- *EC O4 Support infrastructural renewal and development of electricity and gas networks in the county, subject to safety and amenity requirements, subject to AA screening and where applicable, Stage 2 AA so as to ensure and protect the favourable status of European sites and their hydrological connections. Such developments will have regard for protected species and provide mitigation and monitoring where applicable.*
- *EC P5 Promote the development of solar energy infrastructure in the County.*
 - *EC O17 Support the building of integrated and commercial-scale solar projects at appropriate locations subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects.*
 - *EC O21 Support the provision of solar farms in appropriate locations in accordance with the criteria as set out in Section 7.6 of this Plan and environmental considerations such as the movement of qualifying interest species of European Sites. Projects shall provide mitigation and monitoring where applicable.*
- *EC P19 Support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid to provide for the future physical and economic development of Kildare Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.*

- *EC O64 Support and safeguard the efficient and reliable supply of electricity to all homes and businesses in County Kildare.*
 - *EC O65 Support the reinforcement and strengthening of the electricity transmission and distribution network, including the installation of Battery Energy Storage System plants 2 , Synchronous Condenser plants, and associated dispatchable power plants associated with high energy users, to facilitate planned growth and transmission/distribution of a renewable energy focused generation, at appropriate locations and in consultation with relevant stakeholders, where they are adjacent and/or proximate to the grid network.*
 - *EC O66 Facilitate the delivery of necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.*
 - *EC O70 Facilitate the development of grid reinforcements including grid connections and a trans-boundary network into and through the county and between all adjacent counties. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.*
- Chapter 11
 - *AH O16 Support the State in the nomination process of Dun Ailinne to World Heritage status as part of an assemblage of Royal and Monastic Sites in co-operation with the relevant Local Authorities.*
 - *AH O17 Protect and enhance the setting of Dun Ailinne and support managed limited public access to the site. Only sensitive development that does not undermine the archaeological and cultural significance of the site will be permitted.*

- *AH O18 Protect and sustain the established appearance and character of views associated with Dun Ailinne. Require any development proposals within/around Dun Ailinne to demonstrate that no adverse effects will occur on the established appearance or character of Dun Ailinne as viewed from either the Protected Panoramic Views or from surrounding public roads.*
- Chapter 13 Landscape, Recreation & Amenity
 - *LR P1 Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.*
 - *LR O1 Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations*
 - *LR O2 Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:*
 - *Landscape Sensitivity Factors;*
 - *A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);*
 - *A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary).*
 - *All Wind Farm development applications irrespective of location, shall be required to be accompanied by a detailed Landscape/Visual Impact Assessment including a series of photomontages at locations to be agreed with the Planning Authority, including from scenic routes and views identified in Chapter 13.*
 - *LR O10 Recognise that the lowlands and the transitional area are made up of a variety of working landscapes, which are*

critical resources for sustaining the economic and social well-being of the county and include areas of significant landscape and ecological value, which are worthy of protection. Such landscapes include the internationally recognised landscape of Punchestown and its environs.

- *LR O14 Maintain the visual integrity of Eastern Transition Lands which have retained an upland character.*
- *LR O15 Continue to facilitate appropriate development in the Eastern Transition Lands, in an incremental and clustered manner, where feasible, that respects the scale, character and sensitivities of the local landscape, recognising the need for sustainable settlement patterns and economic activity within the county.*
- Table 13.3 (page 447) is titled 'Likely compatibility between a range of land-uses and Principal Landscape Areas'. It shows Eastern Transition LCA with a sensitivity class of 2 where energy developments such as solar and Infrastructure such as major powerlines both having a Compatibility of High.
- Table 13.4 (Page 448) is titled 'Likely compatibility between a range of land-uses and proximity to Principal Landscape Sensitivity Factors'. It shows infrastructure such as major powerlines and energy proposals such as solar ranging from 'Compatible only in certain circumstances' i.e. 2 and 'Likely to be compatible with great care' i.e. 3 from within 300 metres of Agricultural Land with Natural Vegetation, Broad leafed Forestry and Mixed Forestry for infrastructure. In terms of solar it is noted a score of two is the highest for any landscape factor.

5.3.3. Kildare Development Construction Scheme 2023-2029

- Section 8- Level of Contribution-This sets out the contribution applicable on permissions granted from the date of the scheme. The following is considered relevant-

- 8.5- All other development, not covered elsewhere in the Scheme.....

5.4. Ministerial Guidelines

- The Planning System and Flood Risk Management Guidelines, 2009

5.5. Natural and Cultural Heritage Designations

5.5.1. European Sites- The site is located-

- c. 9.5 km SE of Mouds Bog SAC (002331) and Pollardstown Fen SAC (000396)
- c. 11km SW of Red Bog, Kildare SAC (000397)
- c. 13.5km W of Wicklow Mountains SAC (002122)
- c. 8-14km W of Poulaphouca Reservoir SPA (004063)
- c. 15km W of Wicklow Mountains SPA (004040)

5.5.2. Other Nature Conservation sites include-

- c. 4km NW of pNHA Liffey Valley Meander Belt (000393)
- c. 4.5km E of pNHA Liffey Bank Above Athgarvan (001396)
- c. 3km SE of pNHA Grand Canal (002104)
- c. 5.9km E of pNHA Curragh (Kildare) (000392)
- c. 6.8km NW of pNHA Newtown Marshes (001759)
- c. 9km W pNHA Poulaphouca Reservoir (000731)

5.5.3. The following cultural heritage sites are relevant-

- Protected Structures-
 - Dunnstown Cottage B24-21 c. 0.1 km east of the R412 proposed road works and c. 1km NW of main substation site.
 - Harristown House & Demesne (RPS. B29-49) c. 1.5km south of the site

- Harristown House and gates- (B29-15, NIAH describes at gate lodge) 11821006) c. 3.0 km south of the site
- Recorded Monuments
 - There are a large number of sites and monuments recorded in the area of the site and the wider area
 - Nine monuments are located between the main substation site and the existing Dunnstown substation. Three of these are identified in very close proximity to the area of works proposed along the R412.
 - The site is located c. 1km NW from a significant sized zone of archaeological potential/notification around recorded monuments-
 - KD024-028003 Castle – tower house
 - KD029-038001- settlement deserted medieval
- Other Relevant Monuments:
 - Dún Ailinne (c.6.4 km to SW of site) RMP numbers-
 - KD028-038001, Ceremonial enclosure
 - KD028-038002, ritual site holy well,
 - KD028-038003, habitation site
 - KD028-038004, Redundant record, possible standing stone
 - Chapter 11 Section 11.12 of the CDP details Dún Ailinne outside Kilcullen, has been included on the Tentative List as part of a larger assembly of sites namely, The Royal Sites of Ireland, which includes Cashel, Dún Ailinne, Hill of Uisneach, Rathcroghan Complex, the Tara Complex and Eamhain Mhacha.

5.6. EIA Screening

- 5.6.1. A Screening Report for EIA has been submitted with the application, which concludes the proposed 220kV substation and grid connection, as well Delamain Solar Farm are not of a type identified in Part 1 of Schedule 5, nor does it meet any

prescribed thresholds for mandatory EIA under Part 2 of the Planning and Development Regulations 2001, as amended.

- 5.6.2. The Report includes consideration of the criteria outlined in Schedule 7 of the regulations and wherein it is concluded a sub-threshold EIAR is not warranted.
- 5.6.3. Notwithstanding the submitted Schedule 7 information, an electrical substation and/or underground cabling is not a class of development contained in Parts 1 or 2 of Schedule 5 of the Regulations which sets out the prescribed classes of development and thresholds that trigger a mandatory EIAR.
- 5.6.4. I note Class 10 Infrastructure Projects of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended includes for (dd) All private roads which would exceed 2000 metres in length. The application proposes access tracks that are not considered roads nor do they extend to 2000 metres in length. Therefore the development cannot be considered a class subject to the EIAR Directive on this basis.
- 5.6.5. I note Class 2 Agriculture, Silviculture and Aquaculture (a) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, relates to restructuring of rural landholdings, re-contouring and removal of field boundaries. The screening report details a total of 25 metres of hedgerow is to be trimmed back and this is permitted as per 23/567 and ABP-318785-24 in any event. See also drawing DLMN-SID1.1. The proposal doesn't include extensive recontouring or removal of field boundaries. Therefore, I do not consider the development a class subject to the EIAR Directive on this basis.
- 5.6.6. Having regard to all of the above, the following sets out my own consideration of the proposed development for the purposes of EIA. The Board are referred to Appendix 1 of this report where I have completed- Form 1 Pre-Screening (EIAR not submitted).
- 5.6.7. The development of 220kV substation and underground cable connections with ancillary works as proposed are not considered a class of development under the classes listed in Schedule 5 Part 1 or 2 of the Planning & Development Regulations 2001 (as amended). I am satisfied that the proposed development does not therefore constitute sub-threshold development and neither a mandatory EIA, nor screening for EIA, is required.

5.6.8. Notwithstanding the above, I note the applicants have quoted schedule 7A information on page 4 of the EIA screening document in the context of Annex IIA in reference to Directive 2014/52/EU. It is therefore considered appropriate to also carry out an EIA Screening for the benefit of the Board. The Board are referred to Appendix 2 of this report where I have completed- Form 3 Screening Determination and conclude there are no real likelihood of significant effects on the environment and an EIAR is not required

6.0 Observations

6.1. Kildare County Council

6.1.1. Planning Department

The Planning Departments submission is summarised as follows-

- KCC welcomes the proposed 220KV electricity substation with the associated underground grid connection to the existing Dunnstown 440/200KV substation and all associated site works.
- the proposed development will help meet the Government of Ireland's Climate Action Plan target of up to 80% renewable energy generation by 2030.
- The proposed development will enhance the network in the area and provide capacity to connect new demand for electricity to support economic growth in the area and to connect new renewable generation.
- There are no Special Area Amenity Orders relevant to the site.
- The nearest European Sites are Pollardstown Fen SAC (c. 9km) Mouds Bog SAC (c. 9km) and Poulaphouca Reservoir SPA (c. 12km).
- As an NIS has been submitted An Board Pleanála is the competent authority for the purposes of Appropriate Assessment and potential impacts/adverse effects on European Sites.
- The nearest NHAs are the Curragh (c, 7km) the Grand Canal (c. 3km) and Liffey Meander Belt (c. 4km). The Planning Authority does not have concerns in relation to impacts on NHAS.

- There are no protected structures within the site but there are a number in the vicinity, the closest being Dunnstown Cottage B24-21. It is not considered that the proposal will detract from the character of this Protected Structure.
- There are a number of Sites and Monuments and SMR Zones potentially affected along the local road. These include: KD00883 Enclosure KD00884 Enclosure KD00885 Enclosure. These features are addressed in the submitted AAHA. Archaeological monitoring requirements of the DAU/DHLGH should be applied.
- In terms of surface water and flooding, the site is liable to pluvial flooding in locations along the R412. No objections have been raised by the internal sections of Kildare County Council.
- The site is located within Eastern Transition Landscape - Class 2 Medium Sensitivity - Areas which has the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localized sensitivity factors.
- The LVIA submitted with the application does not consider designated scenic routes and views in the Kildare County Development Plan. The nearest protected views RL 11 and RL 12 towards the Liffey and GC 7 relating to the Grand Canal. The nearest scenic route No. 12 is removed from the site and relates to views to the River Liffey on the R413 from Brannockstown crossroads to Ballymore Eustace.
- There are no objections to the proposed development with regard to the carrying capacity and safety of the road network, subject to conditions as detailed in the Roads and Transportation Section and MD Engineer Report.
- The Planning and Environmental Report submitted with the application are noted, along with the EIA Screening Report.
- The KCC Development Contribution Scheme 2023-20239 applies.
- In conclusion, the Planning Authority is supportive of the proposed development.

6.1.2. Transport, Mobility & Open Spaces Department

- A number of conditions are recommended including submission of Construction Management and Traffic Management Plan and other roads related matters.

6.1.3. Parks Section

- A number of conditions are recommended including retention of Arborist or Arboricultural consultant, submission of an Arboricultural Assessment as detailed and other tree related measures. Retention of a Landscape Consultant is also recommended.

6.1.4. Fire Service

- The applicant shall obtain Fire Safety Certificates in accordance with the Building Control Act.

6.1.5. Environment Section

- A number of environmental protection related conditions are suggested including noise.

6.1.6. Municipal District Office

- A number of conditions recommended generally roads related.

6.2. Prescribed Bodies

6.2.1. Department of Housing, Local Government and Heritage

This submission can be summarised as follows-

- The Department has reviewed the Archaeological Impact Assessment and recommends conditions to be included in accordance with OPR Practise Note PN03 with appropriate site-specific additions/adaptations based on the particular characteristics of this development and informed by the findings of the Environmental Impact Assessment Report (EIAR).

6.2.2. Transport Infrastructure Ireland

This submission can be summarised as follows-

- TII will rely on ABP to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:
 - where the national network is to form part of construction traffic haul routing as indicated in "Section 5 Traffic Management" of the submitted CEMP, a number of operational issues related to the development proposal are required to be resolved as part of a Construction Traffic Management Plan (CTMP) to address concerns relating to national road network maintenance and road safety. These issues include:
 - consultation with all PPP Companies, MMarC Contractors and road authorities over which the haul route traverses to ascertain any operational requirements such as delivery timetabling, etc.
 - Any proposed works and signage to the national road network shall comply with TII Publications and shall be subject to Road Safety Audit as appropriate.
 - Any development necessary licenses, approvals or agreements with PPP Concessions, Motorway Maintenance and Renewal Contracts (MMaRC) Companies and local road authorities, as necessary, shall be in put place.
 - TII requests referral of all proposals agreed between the road authority, PPP Concessions and MMarC Companies and the applicant impacting on national roads.
 - Mitigation measures identified by the applicant should be included as conditions in any decision to grant permission.
 - Any damage to the existing national road due shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Road Authority prior to the commencement of any development on site.

6.3. Other Observers

Submissions have been received from the following-

1. Susanne Quinn- W91 P03W c. 2km northeast of the site.
2. Debbie and Colm Diver- W91K236 c.1 km SW of the site.
3. Hugh & Anne Crowley, Dunnstown, Brannockstown, Naas
4. Harristown and Coughlanstown Community Group CLG- Stephen Bourke at W91E0V8, c.1 km SW of the site. An Oral Hearing was requested but not considered warranted by the Board.

It is noted many of the observations made appear to relate to the permitted solar farm under ABP-318785-24. Therefore it is my view only appropriate to consider the matters raised pertinent to the subject application as I cannot reconsider the permitted solar farm through this application. The relevant matters from submissions 1-3 can be summarised as follows-

- Significant number of energy infrastructure developments already in the area. Overprovision, alteration of rural landscape, out of character with the area. Absence of cumulative assessment to understand effect on local residents
- Visual impact and impact on landscape. Submitted LVIA lacks robust analysis of baseline environment and likely impacts. Conflicts with Table 13.3 and 13.4 of the CDP. 18m towers cannot be screened.
- Significant impacts upon existing residential amenity including noise and disturbance during construction, effects on working from home, views from homes. Proximity to homes on L-6044 local road.
- Health and Safety concerns- Road infrastructure of poor quality, difficult for large vehicles
- Impacts property values,
- The siting of the proposal compromises amenity value of Dunnstown Wood.
- Impacts on cultural and local heritage- reference to Architectural Conservation Officer report for a different development. Proximity of entrance to Harristown House estate- impact on landscape setting. AAHA does not comprehensively

address local history and is incorrect in places, contrary to CDP policy and objective AH P2 and AH 02, concerns regarding visual impact to Dún Áilínne.

- Impact on Biodiversity-
 - proximity to Dunnstown Wood, detrimental impact on wildlife within,
 - area is established foraging ground and flight path for Lesser Black Backed Gull a qualifying species of Poulaphuca SPA. The applicant has not demonstrated there will be no adverse impact.
 - Habitat change is driving biodiversity loss. Wildlife and electrical transmission developments are incompatible.
 - Submitted EclA does not actually represent biodiversity of the area and is deficient in terms of bats species present in the area.
 - Proximity of site to Harristown (cNHA) and effect of drainage works on the wetland. Important habitat for Marsh Fritillary. A record is identified on the NDBC but not in the EclA- incorrect statement section 3.2.2.5.
- Cumulative Impacts from other large energy developments such as solar farms
- Impact on economic well-being via equine industry. Sensitive to noise emissions
- Area is not designated Strategic Energy Zone but the development is effectively one without a designation
- Significant flooding occurs on the L6074. Problem will be exacerbated during construction.
- Loss of prime agricultural land contrary to Target LRT1 of the CDP.
- Questions raised regarding procedural matters relating to the applicant's submission on appeal submissions.

Extensive submission 4 from Harristown and Coughlanstown Community Group CLG. It can be summarised as follows-

- Lack of public consultation
- Cumulative impacts need to be considered, requirement for EIA etc

- Public Health
- Absence of a Strategic Energy Zone (SEZ) designation for the area
- Absence of a National Landscape Character Assessment. Outdated Landscape Character Assessment in the KCDP i.e. from 2003 is considered obsolete and as such landscape sensitivity is invalid.
- Extent of hedgerow removal (including cumulative) and impact on biodiversity.
- Impacts of traffic transporting materials to the site
- Absence of opportunity to be supported by the Just Transition Commission established 30th of April 2024
- Inadequate Archaeological & Architectural Impact Assessment including inadequate understanding and consideration of the setting of the various historical sites in the area- Dún Áilinne, Oenach Carmáin. Inadequate consideration of Harristown Settlement or its classification as a zone of Archaeological Potential.
- Impacts on the setting of protected structures
- Ornithological connectivity between the site and Poulaphouca reservoir SPA not considered. Stage 2 AA should have been carried out.
- Concerns raised in relation to Bats and proximity of Dunnstown wood.
- Proximity of site to Harristown Common c.NHA.
- Concerns regarding Noise and inadequate noise assessment as submitted by applicants including cumulative impact with other developments in the area.
- Overall cumulative & combined effects noting EIA requirements as detailed in the EIAR directive.
- Concerns regarding Kildare CDP and Landuse- with numerous references to permitted solar farm. It appears the main concern is loss of prime agricultural land to a solar farm and materially contravenes policies and objectives of the CDP.
- Contrary to article 2b of the Paris Agreement i.e. the proposal threatens food production

- The unofficial designation of area as Strategic Energy Zone is unacceptable.
- The EIA Directive does not permit project splitting.
- Health risks of electromagnetic fields.

6.4. Applicants Response to Submissions

6.4.1. The applicants have submitted an extensive response to the submissions received. This can be summarised as follows-

- The applicants welcome the submission of Kildare County Council on the application who confirm their support for the subject development having regard to the objectives in the Kildare County Development Plan to promote renewable energy use generation and associated electricity grid infrastructure, subject to the conditions set out in the attached reports of the Council's internal department.
- A number of the Council's suggested landscaping conditions appear to have been drafted in the context of the permitted solar farm as opposed to the subject substation / grid connection application. There is no tree removal proposed with hedgerow intervention related to trimming back works at the entrance only (25 metres). The services of a retained arborist or landscape architect are not required and a bond to protect existing trees and hedges is unnecessary and unusual in the context of the permission sought. An Environmental Clerk of Works is to be appointed to ensure compliance with all environment commitments and implementation measures for any permission. It is requested that suggested conditions nos. 1, 2, 5 and 6 from the Parks Department report be set aside.
- In relation to the TII submission the applicant is fully committed to consulting with relevant authorities in advance of construction. Commentary in relation to the Haul Route and abnormal load deliveries is made.
- In relation to the DHLGH submission the applicant has no objection to the inclusion of a condition.

- In relation to third party submissions the Board will note many issues are raised relating to the solar farm generally and these matters have been addressed in that application and appeal.
- The Board are referred to Appendix A in which a statement for the strategic justification of the permitted solar farm is set out. This seeks to justify the solar farm and the proposal in the context of relevant policy.
- Regarding SEZ the potential for designations in the future does not preclude the favourable determination of the subject application which complies with national regional and local policy including land use objectives.
- The submission refers to the perceived impact on the rural economy and loss of prime arable land and relevant policies and objectives of the CDP. The solar farm is considered a form of agricultural diversification and the principle of the development is supported at the subject location without any policy impediments. The proposal is not contrary to the CDP. There is a locational justification to locate the proposal proximate to the existing Dunnstown substation.
- It has not been demonstrated that the proposal or the solar farm will have a negative impact on the equine industry. No evidence is provided to support claims the proposal will result in noise emission impacts on the equine sector.
- Concerns raised regarding landscape and visual impacts are addressed in a supporting statement by Macroworks (Appendix B of submission). The application is accompanied by a LVIA. The subject location is considered a robust rural setting. The proposal is entirely contained within the LCA-Eastern Transition' Landscape Charter Area (LCA) figure 1. The compatibility of the wider solar farm and associated infrastructure is deemed to 'High' as per Table 13.3 of the CDP.
- The receiving landscape is considered to be a modified landscape influenced by numerous highly anthropogenic landscape features and land uses. There are no impediments in principle to the proposed development.

- The proposed substation has also been strategically sited to avail of screening from dense mature forest to the north and layers of existing hedgerow vegetation to the east and south.
- Due to the highly contained nature of this landscape context, the potential for the substation to notably alter the local landscape character is heavily diminished.
- It has been objectively concluded that the collective project is appropriately sited in a robust modified landscape context and will not result in any adverse impacts on the local environment.
- Views from private housing are a matter of private amenity. There is no legal right to a view across private lands.
- Regarding Archaeology and Cultural Heritage the substantive points of submissions are considered around the wider solar farm with a number of objectives in the current Kildare CDP used as a general basis for objection. The submitted AHIA as well as those submitted with the solar farm application include a clear inventory of archaeological and architectural heritage features in the local area and assess the potential impact of the project on these features. They have full regard to the policies of the CDP and it has been demonstrated that the project does not conflict with same.
- The hillfort of Dún Ailinne is located over 6km to the southwest of the proposed development and is separated by the M9 motorway, the surrounding settlement of Kilcullen and extensive areas of pastoral farmland and mature intervening vegetation. No direct impact on the monument will occur arising from the proposed development.
- As detailed in the submitted AHIA Oenach Carmáin - the 'royal assembly site' - is believed to have been located at Silliothill, where a barrow (Recorded Monument KD024-027---) is located on the hilltop. The barrow is located over 1.5m to the west of the proposed development. The subject substation will not be visible in any material way from this site and there is no verifiable basis to the alternative claims that the site is elsewhere in the local environment. No

issues have been raised by Kildare County Council or The Department of Housing, Local Government and Heritage in respect of this.

- Regarding the Settlement of Harristown the AHIA confirms the borough was established in Harristown, possibly on the site of a motte (KD024-028002-), but almost certainly in the vicinity of an existing tower house (KD024-028003) and church (KD024-028004-) which are assessed as part of the submitted reporting. Located over 500 metres to the south-east of the proposed substation, no visible surface trace survives of the settlement. The settlement and adjacent monuments in Harristown will not be impacted by the proposed development. No concerns have been raised by Kildare County Council or The Department of Housing, Local Government and Heritage in respect of this.
- Regarding 'the Pale Boundary' the Archaeological Survey of Ireland (ASI) have documented the location of known and suspected sections of the Pale ditch/earth (classified as "linear earthwork" by the ASI). Confirmed sections of the Pale are located over 4 kilometres from the proposed development and will not be impacted by the development. The views of the submission are not supported by Kildare County Council or The Department of Housing, Local Government and Heritage.
- The submission from the DOHLGH supports the recommendations of the submitted AHIA report in respect of Geophysical Survey and Testing post planning approval.
- The internal report of Kildare's Architectural Conservation Officer does not relate to the subject application. It related to the solar farm and was submitted prior to the applicant being afforded the opportunity to address it at Further Information stage with the layout revised with concerns further addressed by the Councils condition.
- A technical note is prepared by DK Partnership responding to noise concerns. See Appendix D. It details-
 - the Noise Impact Analysis Report (NIAR) submitted with the application was prepared in accordance with required guidelines.

- Regarding expression of background noise survey findings there is no singularly prescribed methodology for assessing noise impacts on solar farm projects (inclusive of their substations /grid connections) in Ireland.
- The approach presented in the NIAR adopts the approach used and accepted on multiple other permitted solar farm projects.
- A comparative review was undertaken using LA90 which is the A-weighted background noise level present without contribution from intermittent sources for 90 percent of a given time interval. It confirms a small reduction in background noise levels at survey locations, a change factor across the stations between 2.8dB and 4.5dB during daytime and between 2.4dB and 4.4dB during nighttime. There is no significant reduction in background noise arising from use of LA90 as suggested in the third party observations.
- The site does not meet the definition of a 'quiet area' or 'area of low background noise' in consideration of the EPA's noise guidance document NG4.
- As detailed in table 8 of the NIAR all daytime and nighttime noise levels at the facades of all neighbouring receptors are well below the EPA/WHO/BS8233 guidelines and no further analysis on the internal ambient noise levels is technically required.
- It has been demonstrated on review of the manufacturers noise emissions data, that material tonality is not applicable for the purposes of sound propagation calculation in the subject NIAR.
- It has been demonstrated that the addition of atmospheric correction, even in the extreme worst-case scenario where refraction occurs, does not materially alter the NIAR findings.
- The referenced sound power levels in the DK Partnership reporting reflects actual manufacturers data of modern plant that will be utilised to construct the subject solar farm in County Kildare.

- The NIAR took account of cumulative noise levels from the proposed Delamain Solar Farm and other permitted planning projects in the local area. The interacting effects will be negligible and will not alter the currently presented noise calculations or consequent cumulative noise impact assessment.
- The applicant welcomes the inclusion of a planning condition regarding noise such is their confidence that operational noise will not be an issue at this location.
- A statement accompanies the submission from Greenleaf Ecology regarding Ecology and Biodiversity. See Appendix C. It details-
 - Regarding ornithological connectivity between the subject site and Poulaphouca Reservoir SPA. Poulaphouca Reservoir is a Special Protection Area (SPA) under the E.U. Birds Directive with qualifying interests including Greylag Goose and Lesser Black-backed Gull
 - In view of the distance from the proposed site and, documented foraging areas for Greylag Goose c.12.5 km NE of the site and the lack of records of Greylag Goose from Poulaphouca Reservoir in recent years, it is not likely that that the proposed site forms part of the foraging range of the Greylag Goose population of Poulaphouca Reservoir SPA. The proposed site is not suitable to support breeding Lesser-backed Gull and is not likely to provide a sustained foraging resource for this species. The proposal would not form a barrier to migratory movements of birds. The proposal does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is not required.
 - The submission seeks to clarify the difference between a legal judgment and consent order.
 - There is no hydrological connectivity between the proposed substation and Harristown Common c.NHA which is between 0.6 and 1.4km from the site. The proposal is not expected to affect the quality or quantity of groundwater within the c.NHA.

- The submission clarifies the omission of a record of Marsh Fritillary on the NBDC. No habitat suitable for Marsh Fritillary is present within the site and there will be no such loss.
- Carnal Wetland is not a designated c.NHA. There is no hydrological connectivity between the substation and the wetland. Limited drainage works are proposed with no affects expected to quality or quantity of ground water.
- In relation to Biodiversity the application is accompanied by a Biodiversity Management Plan (BMP) for the wider solar farm.
- With the exception of the small element of the hedgerow to be trimmed back at the entrance, the works to the substation / grid connection are confined to the open field and cabling in the public road and will not in themselves give rise to any significant level of direct impact on trees / hedgerows.
- Other Matters-
 - EIA Screening-
 - In relation to project splitting and a requirement for EIAR current statutory provisions necessitate the preparation of separate Section 34 applications for solar farms (renewable generation) to local planning authorities and separate section 182A applications to An Bord Pleanála for substations / grid connections that qualify as Strategic Infrastructure Development.
 - The applicant is bound by statutory provisions and the submission of separate applications in compliance with legislation does not constitute project splitting.
 - The application is accompanied by an EIA Screening Report which clearly considers the requirements for EIA in respect of the collective project (solar farm and substation/grid connection components). It concludes that the proposal and the Solar Farm

are not of a type identified in Part 1 of Schedule 5, nor does it meet any prescribed thresholds for mandatory EIA under Part 2.

- Further, based on the information provided in accordance with Annex IIA and Annex III of the 2014 Directive, it is considered that a sub-threshold EIA is not required.
- As the competent planning authority the Board will undertake an EIA screening in the normal course of their assessment.
- Cumulative effects are considered.
- Regarding community consultation section 5 of the submitted Planning and Environmental Statement includes a summary of consultations undertaken.
- Regarding Health and Safety and impacts from traffic the application is accompanied by a Site Access Report confirming the site is accessible for the construction phase. A final Traffic Management Plan will be shaped by engagement with the Council as well as a direct liaison with the local community.
- There is no substantiated or credible evidence to support a suggestion of an association with cancer arising from EMF radiation.
- In relation to flood risk greenfield runoff rates will be maintained with no runoff to the public road.
- Regarding Landuse and the Paris Agreement the proposal will expressly and very positively address the threat of climate change by reducing the country's reliance on polluting fossil fuels and providing clean renewable energy, whilst achieving security of energy supply. There is no formal agricultural land classification system in Ireland or corresponding national, regional or local policy context which seeks to protect 'prime agricultural land' from renewable energy development. The land-take for the subject project is small in the context of the direct benefits it will bring to thousands of homes in Kildare. As outlined in the submitted solar farm documentation, food production in the form of sheep grazing can be maintained as part of the operational

development, and there is no basis to the claim the proposal constitutes misuse of prime agricultural land.

7.0 Assessment

7.1. Introduction

7.1.1. Having examined the application details and all other documentation on file, including the submissions received in relation to the application, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the substantive issues for consideration in this planning assessment are as follows-

- Principle of Development and Planning Policy
- Landscape and Visual Impact
- Built and Cultural Heritage
- Biodiversity
- Residential Amenity Related Concerns
- Roads Related Concerns
- Flooding and
- Other Matters

7.1.2. Appropriate Assessment is considered in Section 8 of this report.

7.2. Principle of Development and Planning Policy

7.2.1. The current application before the Board is made under the provisions of Section 182A of the Planning and Development Act 2000 (as amended) and in summary relates to the provision of an electricity substation and underground grid connection.

7.2.2. The Planning and Environmental Statement submitted with the application details the purpose of the proposal is to serve the proposed Delamain Solar Farm. The Board will note this has since been permitted under planning reference numbers 23/567 and ABP-318785-24. Therefore it is clear the principle of the Delamain solar farm

development has already been established. Accordingly the principle of any development required to enable the permitted solar farm should also be acceptable in principle.

- 7.2.3. The importance of renewable energy is clearly acknowledged at a national, regional and local level as summarised in Section 5 above. The NPF National Strategic Outcome (NSO) 8 focuses on the 'Transition to a Low Carbon and Climate Resilient Society' and includes National Policy Objective (NPO 55) to *'promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050'*. The need for new energy systems and transmission grids is evident.
- 7.2.4. The Regional Spatial and Economic Strategy for the Eastern and Midland Region has a strategic role in terms of energy assets in national energy generation and transmission. Regional Strategic Outcomes No. 9 seeks to *"Support the Transition to Low Carbon and Clean Energy"*. Objectives of the RSES support sustainable reinforcement and provision of new infrastructure to ensure that the energy needs of future population 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) 10.20 and 10.22 seeks to support and facilitate the development of enhanced electricity supplies and associated networks as well as supporting the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy
- 7.2.5. At local level, policies EC P2, EC P5 and EC P19 of the Kildare County Development Plan seek to promote renewable energy use generation and associated electricity grid infrastructure at appropriate locations, seeks to promote the development of solar energy infrastructure in the County and seeks to support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid to provide for the future physical and economic development of Kildare. These policies are supplemented by objectives EC O2, EC O3, EC O4, EC O17, EC O64, EC O65, EC O66 and EC O70. I consider that the provisions of the county development plan provide local level support for the proposed development.

- 7.2.6. Having regard to the above I am satisfied that the principle of the proposed development is acceptable in principle at a National, Regional and local policy level subject to an assessment under other relevant criteria, as covered hereunder.

7.3. Landscape and Visual Impact

- 7.3.1. The public submissions to this application generally raise significant landscape and visual impact concerns in which they consider the area is becoming industrialised by the large number of such development types in the area. They refer to the existing Dunnstown substation and associated infrastructure and the now permitted solar farm and cumulation of related impacts from the proposed development.
- 7.3.2. The application is accompanied by a Landscape and Visual Impact Assessment and (LVIA) and includes a photomontages booklet by Macro Works. It sets out a description of the proposal, the assessment methodology including a desktop study to establish the appropriate study area from which a 5km radius area is used with a particular focus on receptors within 2km.
- 7.3.3. The LVIA then focuses on landscape and visual policy context and designations. The Kildare Landscape Charter Area Assessment is set out in Chapter 13- Landscape, Recreation and Amenity of the 2023-29 CDP. This identifies the area of the proposed application within the 'LCA Eastern Transition'. This is described as having a Class 2- Medium Sensitivity as per Table 13.1 of the plan. Tale 13.2 describes this LCA as-

“Areas with the capacity to accommodate a range of uses without significant adverse effects on the appearance or character of the landscape having regards to localized sensitivity factors.”

- 7.3.4. Table 13.3 of the CDP provides guidance on the likely compatibility between a range of land-use classes and the principal landscape areas of the county classified by sensitivity. Regarding Energy and Infrastructure developments a compatibility of 'High' is recorded.
- 7.3.5. Table 13.4 identifies the likely compatibility between a range of land-uses and proximity of less than 300m to the principal Landscape Sensitivity Factors. Regarding 'Agricultural Land with Natural Vegetation', Broad-Leaved Forestry and

Mixed Forestry compatibility is considered ranging from 'Likely to be compatible with great care' and 'Compatible only in certain circumstances'.

- 7.3.6. Having considered the contents of the LVIA and the CDP, noting circumstances including the proximity of the site to the existing Dunnstown substation, the permitted solar farm and the extent of existing mature natural vegetation in the area limiting visual and landscape impacts of the development, it is my view that the proposed substation is compatible with the Eastern Transition LCA and the 'Principal Landscape Sensitivity Factors' within 300m of the site.
- 7.3.7. I note the Planning Authority's submission on the file states the LVIA does not consider designated scenic routes and views in the CDP. It details the nearest protected views are RL 11 and 12 towards the Liffey and GC 7 relating to the Grand Canal and the nearest scenic route 12 is removed from site and relates to 'Views to the River Liffey on the R413 from Brannockstown Cross Roads to Ballymore Eustace'. Having reviewed Appendix 7 Scenic Routes to the CDP it would appear the Planning Authority reference to scenic route 12 was a typing error and should have been scenic route 13.
- 7.3.8. The LVIA does consider 'Views of recognised scenic value' including scenic routes and views in section 1.1.5.3 of the LVIA. It identifies 5 scenic routes within 5km of the site including scenic route 13 which is considered within the 2km area. The LVIA also considers 6 scenic views and details these are contained in river corridor settings. This is consistent with the Planning Authority's submission.
- 7.3.9. Section 1.1.5.3 of the LVIA concludes with reference to the study area within Wicklow and Wexford. The reference to Wexford is considered a typing error and should have read Kildare. I am of the opinion the site is sufficiently distant from scenic routes or views in Wicklow to have any significant adverse impacts. The LVIA does state *'Where there is potential for visibility of the proposed development, a representative view has been included within the visual impact appraisal in section 1.4.2.'*
- 7.3.10. Section 1.4.2 of the LVIA details a 'Visual Impact Assessment'. This does not appear to consider scenic routes and views further. While this appears inconsistent with earlier sections of the LVIA I am satisfied the proposed development will not

significantly impact the scenic routes and views identified in the LVIA including those in the wider study area.

7.3.11. The LVIA considers cumulative impacts in section 1.5. referring to a permitted battery energy storage development (located c.600m north of the site and a permitted extension to the existing Dunnstown substation complex (planning ref: KCC 211175). It argues that combined views are unlikely due to separation distance and existing vegetation. The LVIA also refers to the Swordlestown Solar Farm permitted 3km northwest of the site. I have considered this and the permitted Delamain Solar Farm. I am satisfied the separation distances are such and the nature of the proposal itself are consistent with the permitted uses. The cumulative landscape and visual impact is not in my opinion significant.

7.3.12. The LVIA sets out a number of mitigation and restoration measures in section 1.3. The main mitigation is the proposed siting availing of a high degree of vegetative screening from forest plantation and distance to nearby residential receptors. The LVIA details retention of existing hedgerows boundaries while maintaining existing field patterns. The LVIA details proposal to bolster existing perimeter and internal hedgerows as per figure 1.9 of the LVIA. A Landscape Mitigation Plan drawing is also provided with the application see- LD.DLMN-SID 1.1. The application does not propose removal of any trees or hedgerows. It specifically details trimming back only 25m of hedgerow at the site entrance to facilitate sightlines etc.

7.3.13. Overall the LVIA concludes the

“the proposed substation and grid connection, as well as the wider solar farm, is appropriately sited in a robust landscape context and does not notably impact on the most sensitive aspects of the local landscape. Despite its relatively broad scale across this local landscape, post-mitigation establishment, only fleeting glimpses and brief views of the wider solar farm will ever be afforded, whilst the proposed substation development will be entirely screened”.

7.3.14. I have reviewed the LVIA in full. In general it is considered a robust consideration of the relevant matters subject to this application. The submitted photomontages represent 5 local viewpoints generally to the west, south and east of the proposed

substation and I am satisfied they form a reasonable basis for consideration of the impacts of the proposal as set out in the photomontages.

- 7.3.15. The site is generally flat and the proposed substation compound is located to the rear of existing mature hedgerow and forestry. I have considered the contents of the LVIA including Table 1.5 and Figure 1.7 and have visited the site and local area including the viewpoints identified. In my opinion, visibility to the main compound area is not considered likely from the north along the R412, intermittent at best from the R412 south of the entrance, limited, if at all from along the R412 where the underground works are proposed and localised/intermittent from the L-6044 local road c. 1km east of the application site.
- 7.3.16. Visibility of the temporary compound may be evident from the southern parts of the R412 but as this is only temporary impacts are not likely significant.
- 7.3.17. I acknowledge submitters to the file have considered the site not suitable for the proposal based on the tables 13.1 and 13.2 of the CDP. However I do not share such interpretations and note the 300m set back is not detailed in the CDP as a minimum set back requirement. In my opinion these table support the position of the proposal within the Eastern Transition LCA.
- 7.3.18. Submitters have also raised visual impact concerns from private residential properties. I have viewed the application site from a number of locations along the L-6044 local road. High tower like features of the local Energy Infrastructure Network and Dunnstown Substation were clearly visible at a distance from many places on this road. I appreciate the higher features of the proposed development such as lighting mast, telecoms pole as well as other parts of the overall compound will be visible from certain locations. However these will all be at a distance ranging from in excess of 750m to 1km approximately. I do not consider the visual impact to be significantly adverse upon these residential properties to be of an extent warranting refusal for a proposal that is so clearly supported by policy at all levels.
- 7.3.19. Having regard to my inspection of the site and surrounding area, and taking account of the scale, height and layout of the proposed substation and ancillary features on lands in close proximity to an existing established Dunnstown electricity development with its associated pylons and other infrastructure, the permitted Delamain solar farm and the presence of significant mature vegetative screening and forestry, and

subject to appropriate planning conditions I am satisfied that the proposed substation and associated transmission infrastructure would not have an adverse impact on the landscape or visual amenities of the area.

7.4. Built and Cultural Heritage

- 7.4.1. Public submissions raise significant concerns generally regarding the impact of the proposed development upon local archaeology and the wider cultural heritage of the area. In particular concerns are raised regarding impacts to the setting of national recorded monuments such as Dún Ailinne, Oenach Carmáin as well as the Settlement of Harristown and the Pale Boundary. The applicants submitted Archaeological and Architectural Heritage Assessment is criticised for its desk top based approach. I note these submissions also refer to a report from Kildare County Council Conservation Officer recommending refusal.
- 7.4.2. The Department of Housing, Local Government and Heritage have submitted a report to this application and having reviewed the submitted Archaeological Impact Assessment they raise no objection with recommends conditions to be included.
- 7.4.3. The Planning Authority's submission to the application details there are a number of Sites and Monuments and SMR Zones potentially affected along the local road including- KD00883, KD00884 and KD00885- all Enclosures. It acknowledges these features are addressed in the submitted AAHA and recommends the archaeological monitoring requirements of the DAU/DHLGH should be applied. The submission considers the proposal will not impact upon the character of protected structures in the area with Dunnstown Cottage B24-21 identified as the closest.
- 7.4.4. The application is accompanied by an Archaeological and Architectural Heritage Assessment (AAHA) by John Cronin and Associates dated March 2023. The methodology is set out, which details a desktop survey and principal sources reviewed. It details the study area comprises the subject site and extends for c. 40km from the boundary of the proposed development. Further references in the document refer to 50m from the site boundary.
- 7.4.5. Page 7 of the AAHA discusses 'Archaeological background' and identifies three recorded archaeological sites were identified within the study area. These are listed in Table 1 and are described as enclosures. Other sites outside the study area are

presented in Figure 2. I have reviewed all these sites on the National Monument Service Historic Environment Viewer⁴.

7.4.6. The AAHA goes on to consider 'Cartographic Evidence and historic background' (p.12), Placenames, and Architectural Heritage on page 12 and 13. Dunnstown Cottage Protected Structure (RPS B24-21) (NIAH 11902405) is identified 200 metres from the site and I note the Planning Authority consider the proposal will not impact upon its character. This structure is located c. 0.75km north of the entrance to the main substation site and on the opposite side of the R412 regional road with significant existing forestry between the structure and the proposed substation.

7.4.7. Section 5 of the AAHA deals with 'Assessment of Impact'. In terms of the main substation site it details-

Given the greenfield setting and the relatively high density of recorded archaeological monuments in the vicinity, the archaeological potential for the development area is considered moderate. Based on this designation there is a moderate risk of archaeological material being encountered during the ground reduction works undertaken as part of the proposed substation and cable development.

7.4.8. No direct or indirect impacts are detailed to the Protected Structure Dunnstown Cottage and therefore no mitigation is necessary.

7.4.9. The AAHA also considers cumulative impacts with a number of other detailed developments on page 21 with no cumulative impacts identified.

7.4.10. Section 6 of the AAHA concludes the proposal possesses a moderate archaeological potential and accordingly makes a number of recommendations generally including archaeological surveys and test trenching of the site, archaeological monitoring near the three identified enclosures etc. It is noted the submission of the Department of Housing, Local Government and Heritage has reviewed the AAHA and recommends suitable conditions.

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<https://heritagedata.maps.arcgis.com/apps/webappviewer/index.html?id=0c9eb9575b544081b0d296436d8f60f8>

- 7.4.11. The applicants have submitted a response to concerns raised in the public submissions. Regarding criticisms of the AAHA they argue a clear inventory of archaeological and architectural heritage features in the local area has been submitted. The AAHA assesses the potential impact of the project on these features and has had full regard to the policies of the CDP.
- 7.4.12. Regarding Dún Ailinne, they detail this hillfort is located over 6km to the southwest of the proposed development and is separated by the M9 motorway, the surrounding settlement of Kilcullen and extensive areas of pastoral farmland and mature intervening vegetation. No direct impact on the monument will occur arising from the proposed development.
- 7.4.13. Regarding Oenach Carmáin - the 'royal assembly site' the further submission details this is believed to have been located at Silliothill, where a barrow (Recorded Monument KD024-027---) is located on the hilltop. This is located over 1.5m to the west of the proposed development. The subject substation will not be visible in any material way from this site and there is no verifiable basis to the alternative claims that the site is elsewhere in the local environment.
- 7.4.14. Regarding the Settlement of Harristown, it is located over 500 metres south-east of the proposed substation with no visible surface trace survives of the settlement. The submission argues the settlement and adjacent monuments in Harristown will not be impacted by the proposed development.
- 7.4.15. Similarly, confirmed sections of the 'Pale Boundary' are detailed as over 4km from the site and will not be impacted by the development.
- 7.4.16. I have considered all of the contents of the AAHA as well as the applicant's further submission to the public submissions. I acknowledge and appreciate the concerns of the public in this regard particularly regarding implications for a UNESCO bid. Section 11.12 of the CDP details Dún Ailinne has been included on the Tentative List as part of a larger assembly of detailed sites for nomination to the World Heritage List. This is then supported by policy AH P4 and objectives AH O16, AH O17 and AH O18.
- 7.4.17. The application site is located a significant distance from Dún Ailinne (see Map Ref: V1-13.3 P.466 Chapter 13 of CDP) with significant manmade intrusions in between

including motorways. I do not consider the proposed substation would significantly and adversely impact upon the setting of Dún Ailinne to an extent warranting refusal.

7.4.18. Regarding Oenach Carmáin, I note submissions suggest the proposal is premature until the wider extent of Dun Ailinne is mapped. I note reference to the three recorded monuments within 50 metres of the substation KD024-050004, 050005 and 050006 in which the submission states they are possibly related to the Oenach. Having considered the location of recorded monuments, the contents of the AAHA and the applicant's further submission, I am satisfied that it would be unreasonable to consider refusing the proposal on the basis of this concern. In the absence of any specific policy in this regard, it is my opinion the site and proposed substation is sufficiently distant and will not significantly and adversely impact upon the setting of Dún Ailinne including possible related features of Oenach Carmáin, to an extent warranting refusal. I do not share the opinion the proposed substation would be contrary to related policies and objectives of the development plan.

7.4.19. The settlement of Harristown is identified in Chapter 11, Table 11.1 of the CDP as a Zone of Archaeological Potential- KD029-038001. This settlement appears to be located c. 1km SW of the site. It is clear to me the proposed application site is well outside the site of archaeological potential for Harristown. I am satisfied archaeological conditions including testing and monitoring will adequately address this concern.

7.4.20. Similarly I am not convinced concerns regarding the Pale Boundary have been adequately substantiated by the public submissions. The AAHA argue it is c 4km from the site and the submission details it is as close as 400m from the proposal. The aerial photograph supplied in the submission identifies an area that I estimate to be c 1.1km from the site. Notwithstanding this I am satisfied archaeological conditions including testing and monitoring will adequately address this concern.

7.4.21. Submissions have also referred to a report of Kildare's Conservation Officer in which refusal is recommended. This report does not relate to the subject application and therefore will not be considered further.

7.4.22. I note concerns raised in relation to the proximity of entrance to Harristown House estate and its impact upon its landscape setting. Harristown House & Demesne (RPS. B29-49) is located c. 1.5km south of the site. Harristown House and gates-

(B29-15, NIAH describes at gate lodge) 11821006) are located c. 3.0 km south of the site. The proposed development will not have a significant or adverse impact upon these protected properties and their curtilage including their settings.

- 7.4.23. Having considered all of the above and having reviewed the proximity of the site to recorded monuments, archaeological zones of potential etc. and other features of built and cultural heritage importance, as well as the submissions from the Department and Kildare County Council I am satisfied that subject to conditions, the proposed development will not impact significantly upon built and cultural heritage including archaeology.

7.5. Biodiversity

- 7.5.1. Concerns raised in public submissions regarding biodiversity include general concerns regarding proximity to Dunnstown Wood and impacts upon wildlife, incompatibility of electrical transmission developments with biodiversity, deficiencies in the submitted EclA regarding bats and proximity of the site to Harristown (c.NHA) and effect of drainage works on the wetland which is an important habitat for Marsh Fritillary. A record of this specie is also identified but not recorded in the EclA. Concerns are also raised regarding hedgerow removal (including cumulative) and Ornithological connectivity between the site and Poulaphouca reservoir SPA.
- 7.5.2. Concerns regarding designated European Sites are addressed in section 8 of this report.
- 7.5.3. The applicants have submitted an Ecological Impact Assessment (EclA) prepared by Greenleaf Ecology and dated 1st of March 2024. The EclA sets out the methodology applied, which includes a combination of desk top studies using recognised ecological data bases, field surveys and review of relevant policy and legislation. A walkover survey of the site was carried out as part of the survey of the wider Delamain solar farm study area on the 8th and 9th of September 2022 and the 8th of March 2023. These included-
- a habitats survey,
 - a survey of the occurrence and activity of avifauna using the habitats and hinterland

- survey for the presence, or likely presence, of protected species and
- targeted faunal surveys for Badgers, Otters and Bats.

7.5.4. In terms of constraints the EclA indicates the habitat survey was undertaken within a sub-optimal survey period. However, the surveyor was undertaken by an ecologist experienced in vegetative plant identification and sufficient plant species were identified to enable classification of habitats within the proposed site with confidence. No significant constraints on the survey information gathered are noted.

7.5.5. The subject site was classified in accordance with Fossitt 2000 with hedgerow (WL1), Improved Agricultural Grassland (GA1) and Buildings and artificial surfaces (BL3) recorded and presented in figure 3-3 of the EclA. This is consistent with observations from my own site inspection. No water course was identified within or bounding the site.

7.5.6. Section 3.2.2 identifies species that have been recorded historically within the vicinity of the proposed site and the solar farm site, as well as results from surveys at the proposed site. Species records extracted from the NBDC database are included in Appendix B. This section can be summarised as-

- No habitat suitable for amphibians and reptiles was recorded within the proposed substation and grid connection site.
- The EclA details the NDBC hold records of six species included in Annex I of the EU Bird's Directive from the 10km OS grid squares within which the proposed site and solar farm site is located. Twelve Red List species have also been recorded from the 10km OS grid squares within which the site is located
- A list of nine avifaunal species identified during the site walkover survey at the subject site is presented in Table 3-3 of the EclA which are all identified as green listed species.
- There are no records of protected species of vascular plants or bryophytes from the footprint of the proposed site and no rare or protected species of flora were recorded during the site survey.
- No invasive plant species were recorded within the proposed site.

- The EclA details the site is not suitable to support Marsh Fritillary and no rare or protected species of invertebrate were recorded at the proposed site during the site survey. I note concerns raised in submissions regarding an omission of a record of March Fritillary in the OS Grid from the NBDC. The applicant's response to submission details this was returned on the 15/06/2021 with the search of the NBDC to inform the EclA carried out on the 06/12/2022. It is not clear to me when this data became available on the NBDC but I accept the applicant's contention that the proposal will not result in the loss of Marsh Fritillary habitat or a significant adverse effect on Marsh Fritillary.
- Four of the ten known Irish species of bat have been recorded within a 4km radius of the proposed site as detailed in Table 3-4.
 - Review of aerial photography and the results of the site walkover at the proposed site indicate that the site comprises an agricultural field and built land fringed by treelines, a hedgerow and broadleaved woodland that connect the site to suitable bat foraging areas in the wider landscape with the commuting and foraging habitats of the site and its environs of moderate suitability for bats.
 - No trees with potential roosting features were recorded within the site and its immediate environs.
 - No evidence of bats was observed during the inspection of the trees.
- The NBDC hold a record of badgers last recorded in 2005. No evidence was recorded during survey within the site. However there is suitable habitat in the woodland adjoining the site and it is likely the site forms part of foraging territory.
- Although the NBDC holds general records of otter from the 10km OS grid square N81, the habitats at the proposed site are not suitable to support otter.
- In terms of other mammals the habitats present within the proposed substation and grid connection site are not suitable to support red squirrel, pine martin however there is suitable habitat for this species within woodland adjacent to the proposed substation site.

- No evidence of hedgehog was recorded during the site survey, however, there is potential for this species to utilise the hedgerow, treeline and woodland habitat fringing the site.
- There is no record of deer at the site and its environs and no evidence of was recorded during the site surveys.

7.5.7. Potential impacts of the proposed development are discussed in section 4 of the EclA. During construction-

- No impacts are identified to designated sites. Section 4.2.2 details that approximately 25 linear metres of hedgerow will be removed to accommodate site access for the proposed 220kV substation development. The site already benefits from an existing agricultural entrance and it is clear from other documentation on file including drawing LD.DLMN-SID 1.1 that c. 25m of hedgerow is to be trimmed back to facilitate sightlines with hedgerow then bolstered.
- The proposal will result in the loss of improved agricultural grassland and potential disturbance to breeding avifaunal species currently site and environs. Suitable alternative habitat surrounding and adjoining the site ensures impacts are of a negligible magnitude. For most bird species, the displacement period is likely to only occur during the construction phase. Hedgerow is abundant in the area and trimming it back will have a negligible impact on avifauna. The landscaping proposal will enhance hedgerows providing a positive benefit.
- There is potential for disturbance to badgers during construction work. This would be a minor temporary effect at a local level.
- The trimming of c.25m of hedgerow will not result in a significant loss of foraging/ commuting habitat for hedgehog and will not have a significant effect on this species.
- It is not expected that the proposed development will result in the spread of invasive plant species during the construction phase.

7.5.8. During operation-

- No adverse effects on designated sites will occur

- No significant adverse effects on habitats, avifauna, badger and hedgehog are anticipated during the operational phase. The proposal provides for 300mm x 300mm gaps at the base of the security fence at 100m distances for mammal access.

7.5.9. Cumulative Impacts were considered in section 4.3.5 and have regard to a number of developments permitted and proposed in the area. No in-combination or cumulative effects were identified in the submitted EclA. I agree with the conclusion that no significant in-combination impacts arise in relation to biodiversity, having regard to surveys undertaken and results and the existing context of the site.

7.5.10. Section 5 of the EclA details no specific mitigation measures are required during the construction stage for designated sites and habitats.

Regarding Avifauna the following is noted-

- All vegetation clearance will be completed outside of the bird breeding season (1st March to 31st August).
- Any vegetation clearance required during the bird breeding season will only proceed following checks of the areas in question by a suitably qualified ecologist.
- All clearance works during the bird breeding season will be subject to supervision by the Ecological Clerk of Works (ECoW) who will have 'stop works' authority in the event that there is any perceived risk to nesting birds.
- Enhancement measures outlined in Section 6, such as installing bird boxes, are recommended to provide further breeding opportunities for the local bird population.

Regarding Badgers-

- A pre-construction survey of the proposed site shall be undertaken prior to the commencement of construction, In the event of badger setts being identified-
 - A buffer distance of 10m from sett entrances shall be employed in instances where light works such as digging by hand or in the event of scrub clearance.

- A buffer distance of 20m from Badger sett entrances shall be incorporated where light machinery (generally wheeled vehicles) is in operation within the site.
- A buffer distance of 30m from Badger setts shall be employed where heavy machinery is in operation within the site.
- None of the above activities shall be undertaken within 50m of active setts during the breeding season (1st December to 31st June inclusive).
- In the unforeseen event that the project requires works to be undertaken within the recommended buffer distances outlined above, further measures as outlined in NRA (2009) will be adopted in liaison with local NPWS staff.
- All excavations shall be securely covered or a suitable means of escape provided at the end of each working day to prevent accidental trapping of badgers.

Regarding Invasive Species-

- A series of detailed best practise avoidance measures is detailed in section 5.1.3.3

7.5.11. During the operational phase-

- No likely significant effects on European sites, habitats or species have been identified, therefore no specific mitigation measures are required.

7.5.12. Table 5-1 of the EcIA presents a summary of residual impacts. While this is titled “Summary of residual impacts, Delamain 220kV Substation and Grid Connection” it clearly details the Delamain solar farm and refers to the Biodiversity Management Plan (BMP) proposed for the solar farm. This BMP is enclosed to the rear of the EcIA and referred to as Appendix C. Having reviewed the submitted information I am satisfied no significantly adverse residual impacts are likely as a result of the proposed development.

7.5.13. Section 6 of the EcIA is titled Enhancement Opportunities and details the proposal is part of the wider Delamain solar farm. A number of measures are detailed as included within the wider project design and are considered relevant to the proposed

substation and grid connection. These include enhancement of significant lengths of hedgerow, planting new hedgerow, new woodland and biodiversity ponds.

7.5.14. I have reviewed the submitted information including the contents of submissions to the file. I have also undertaken a site inspection. Having considered the nature of the application and the context of the site and proposal, I am satisfied the EcIA represents a robust and reasonable assessment of the matters pertinent to Biodiversity. Overall the ecological impact of the proposed development is acceptable and will not have a negative impact on overall biodiversity, subject to condition and the measures detailed in the application.

7.6. Residential Amenity Related Concerns

7.6.1. Submissions to the application raise concerns of significant impacts to existing residential amenity from noise and disturbance during construction, effects on working from home and views from homes etc. In this regard the proximity of homes on the L-6044 local road c.1km west and southwest of the main substation site is noted.

7.6.2. Regarding noise the applicants have submitted a Noise Impact Assessment Report (NIAR) by DK Partnership as well as a further 'Technical Note' in response to noise concerns raised by submissions to the application. The NIAR considers combined substation, grid connection and Delamain solar farm impacts and concludes-

- typical ground works and construction plant are below the maximum allowable day time ambient level of 70dB LAeq (Monday-Friday) and 65dB LAeq (Saturday). The construction phase effects are deemed short term with no noticeable change on the noise environment in the longer term.
- During operations, the noise levels at the facades of all noise sensitive locations (NSLs) are below the maximum day time recommended noise levels of 55dB and nighttime levels of 45 dB as per the emission limit values specified by the EPA, WHO and BS8233.
- The potential maximum daytime increase in the background noise level at the nearest NSLs (five identified) are between 0.02dB and 0.87 dB. The maximum possible nighttime increase in background noise level is 0.1dB and

0.20dB. These increases are very unlikely to give rise to any noise nuisance complaints as per the criteria specified in BS8233.

- The internal ambient noise levels are well below the WHO/EPA recommendations using a conservation noise reduction capability of 25dB typically categorised as “very good” per WHO/EPA criteria.

- 7.6.3. I have considered the proximity of the site to residential properties on the L-6044 as well as other residential properties in closer proximity to the application site on the L-6074 to the south and the R412 Regional Road along the site. The nearest house to the proposed substation is directly opposite the main site entrance and is well screened by existing mature forestry.
- 7.6.4. Section 4 of the submitted the NIAR details mitigation measures. Regarding operational noise it indicates the proposal in combination with the solar farm will comply with the recommended noise levels as set in the EPA, WHO and BS8233 guidance. In terms of construction noise some reductive measures are proposed including compliance with local authority and planning requirements and ensure all plant are regularly maintained and include noise control measures. No vibration monitoring is deemed necessary for both the operational and construction phase.
- 7.6.5. Having considered all of the above I am satisfied that subject to appropriate noise related planning conditions including operational hours there are no significant noise and disturbance issues including impacts to working from home that warrant refusal of the proposal.
- 7.6.6. I note concerns regarding impacts upon views from private homes. As set out in section 7.3 I do not consider the proposal would have adverse landscape and visual; impacts. Noting the separation distance between the site and residential homes as well as existing vegetation in the wider area there are in my opinion no significantly adverse impacts.
- 7.6.7. Overall I do not consider the proposal will significantly or adversely impact upon residential amenity.

7.7. Roads Related Concerns

- 7.7.1. Submissions to the application raise concerns regarding the carrying capacity and safety of road infrastructure in the area which are considered of poor quality and difficult for large vehicles to manoeuvre on.
- 7.7.2. The Board will note observations of the Local Authority and TII regarding the road network and necessary consents. Generally no concerns are raised subject to typical conditions including submission of Construction Management and Traffic Management Plan and other roads related matters.
- 7.7.3. The applicants have submitted a Site Access Report (SAR) dated March 2024 and prepared by Civil and Structural Engineering Advisor Ltd. (CSEA). The have also submitted a Construction and Environmental Management Plan (CEMP) for the Delamain Solar Farm which includes a section on Traffic Management. Traffic Management is further considered in section 4.4 of the submitted 'Construction Methodology' Document which details requirements for a road opening license along the R412.
- 7.7.4. Section 4 of the SAR details anticipated traffic and is displayed in Table 4.1 based on a 24 month⁵ project lifespan which includes the Delamain Solar Farm. Estimated HGV vehicles per day i.e. based on 5.5 days range from 1-23 over the life span.
- 7.7.5. Section 5 discusses the proposed access route which is detailed as from Dublin Port to the site comprising the M7 motorway to Naas and then the R448 and R412 regional roads to the site entrance. A swept path analysis is carried out to demonstrate movements into the site based on 40 tonne Articulated Vehicles for general deliveries and for Transformer Delivery. The analysis showed no difficulties with route for the largest delivery vehicle proposed- see drawing DLMN-DR-050. Section 6.3 states- *"The site will be accessed directly from the regional road network (R448 and R412) without recourse to local roads."*
- 7.7.6. I note public submissions consider the transportation of the substation transformer and other equipment will cause damage to roadside verges, overhanging trees and compaction of soil which will negatively impede the growth of the remaining mature

⁵ The use of the word 'week' in the top left cell of the table appears to be an error and should read month to account for the 24 month period displayed in the table.

hedgerows. While I appreciate this concern it must be acknowledged that the proposal requires the use of the public road network. I do not consider the delivery route as proposed will cause significant damage to roadside verges, overhanging trees or compaction of soil which will negatively impede the growth of the remaining mature hedgerows. The site benefits from an existing site entrance and works at the entrance involve trimming of c. 25m of existing roadside hedgerow.

- 7.7.7. I note submission of TII. I am satisfied the separate licensing and permitting arrangements exist outside of the planning process that deal with these concerns. Furthermore, section 34(13) of the Act details that a person shall not be entitled solely by reason of a permission to carry out any development. Should the Board decide to grant permission, the developer will still have to be certain they have all the legal entitlements necessary including licences, permits and or consents to execute the grant of permission including use of the national road network as well as compliance with appropriate planning conditions.
- 7.7.8. Overall, it is clear that the greatest potential for negative impacts on traffic and transport arises during the construction phase, since there will be minimal traffic generated during the operational phase. I am satisfied the construction related issues can be effectively managed through a comprehensive Construction Traffic Management Plan and suitable planning conditions.
- 7.7.9. I do not consider there to be significant operational impacts.
- 7.7.10. Having considered all of the above, I am satisfied the proposed development can be facilitated as set out in the submitted Site Access Report and associated drawings. Concerns regarding the suitability of the road network are not substantiated in my view. Overall the potential for significant adverse impacts from Traffic and upon roads can be avoided, managed and/or mitigated by measures that form part of the proposed development and through suitable conditions. I am therefore satisfied that the proposed development would not have any unacceptable adverse impacts on the road network and associated public safety.

7.8. Flooding

- 7.8.1. I note raised concerns regarding flooding on the R412 road and acknowledge the submission of a Siet Specific Flood Risk Assessment (SPFRA) carried out by 'IE Consulting' dated March 2024.
- 7.8.2. The Planning Authority's submission details the site is liable to pluvial flooding in locations along the R412. A public submission also highlights significant flooding occurs on the L6074.
- 7.8.3. Section 7 of the submitted SPFRA details the site falls within Flood Zone C. This is in accordance with the provisions of the Planning System and Flood Risk Management Guidelines, 2009.
- 7.8.4. Section 7.1.1 considers pluvial flood risk with two areas of indicative pluvial flooding mapped within the boundary of the proposed development site. These are located along the R412 and not at the area of the proposed substation. Section 7.2 details the substation compound areas shall be constructed using a permeable gravel material, providing for drainage within the site to groundwater with the existing greenfield situation maintained.. The access track is indicated to also be constructed of permeable material and will not increase the volume of surface water runoff.
- 7.8.5. Section 5.3 of the Construction Methodology report details drainage proposals further with the substation compound designed to mimic the natural drainage patterns of the site and thereby be in accordance with the Best Management Practices (BMPs) of Sustainable Drainage Systems (SuDS).
- 7.8.6. Section 7.2.2 of the SPRFA considers cumulative flood risk assessment and concludes the proposed substation and grid connection will have no cumulative impact on flood risk with the Delamain solar farm or any of the other developments listed in Table 2 of the section.
- 7.8.7. Having considered all of the above and subject to suitable planning conditions I see no reason why the proposed development would significantly increase flood risk along the R412 or the L6074 public road.

7.9. Other Matters

- Submissions to the file raise concerns relating to the EIA Directive and Project Splitting in the context of the now permitted Delamain Solar Farm. The proposed application is one in accordance with section 182A of the Planning and Development Act whereas the Solar Farm was under the provisions of section 34. Accordingly, it is clear separate statutory provisions apply and the proposal in this context is not considered project splitting.
- I note concerns raised in relation to the impact of the development and related infrastructure upon property prices in the area. I do not consider the proposal would significantly impact upon value of property in the area and no discernible evidence to such effect has been submitted.
- It is not clear how the proposal would impact upon the amenity value of Dunnstown Wood. I do not consider a significant adverse impact likely.
- Concerns regarding impacts to the equine industry have not been substantiated.
- Concerns regarding health risk impacts from Electromagnetic Fields including risks of cancer and childhood leukaemia have not in my opinion been substantiated. The applicants have submitted a report titled Electromagnetic Field (EMF)/Electromagnetic Compatibility (EMC) Impact Assessment Report prepared by Ai Bridges with this application. Regarding EMF it concludes-
 - levels due to the proposed transformer and underground cables would be significantly lower than the basic restriction level which is the level at which radiation is potentially harmful to humans as published in the ICNRIP guidelines

In this regard, the proposed substation and grid connection's compliance with the above guidance is not a matter for the planning code.

- I do not consider concerns regarding the area becoming a 'de facto Strategic Energy Zone' to be a matter for detailed consideration with this application. The site and area are not formally designated as such.

- I have reviewed Kildare County Council's Development Construction Scheme 2023-29. The proposed development has not been identified in the scheme and in this regard it would appear section 8.5 'Miscellaneous i.e. for all other development not covered elsewhere in the scheme' is applicable. Furthermore, I have not identified an exemption for the proposal in the Scheme. As such it is considered appropriate to attach a condition should the Board decide to grant permission.

8.0 Appropriate Assessment Screening- (Stage 1)

8.1. Introduction

- 8.1.1. I have considered the proposed 220kV electricity substation with the associated grid connection between the substation and the existing Dunnstown 440/200kV substation and all associated site work in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended. A 'Screening report for Appropriate Assessment' (AASR) was submitted with the planning application and concludes-

"The proposed Delamain 220kV Substation and Grid Connection, Co. Kildare, either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required"

- 8.1.2. The following designated site and nature conservation matter was raised in submissions to the application-

Ornithological connectivity between the site and Poulaphouca reservoir SPA and therefore a requirement for Stage 2 Appropriate Assessment.

- 8.1.3. The Board will note in the assessment of the Delamain Solar Farm ABP-318785-24 the Inspector considered that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of such site's Conservation Objectives, and a Stage 2 Appropriate Assessment was not required. The Board decided to grant that permission generally in accordance with the Inspector's recommendation.

8.2. Description of the proposed development

- 8.2.1. The proposed development is for 220kV electricity substation with the associated grid connection between the substation and the existing Dunnstown 440/200kV substation and all associated site work with a stated application site area of 4.3 ha.
- 8.2.2. Site preparation work and construction works will require extensive ground clearance and excavations including of the public road. No hedgerow is proposed to be removed with c. 25m indicated to be trimmed back.
- 8.2.3. It is intended the proposed development will be connected to a public water supply from the R412 (see drawing DLMN-DR-002) but if this is not feasible a bored well is proposed within the site (see drawings DLMN-DR-007, DLMN-DR-030 and section 5.3.1 of the Construction Methodology Report).
- 8.2.4. Foul wastewater will be gathered in vented holding tanks with 5m³ capacity. The tanks will be monitored and alarmed for periodic disposal at three-month intervals or as required (see drawings DLMN-DR-030 and 031 and section 5.3.2 of the Construction Methodology Report).
- 8.2.5. Surface water disposal will be on managed on site with disposal to the ground. SUD measures are proposed including permeable material, soakaway and rainwater harvesting tank (see drawing DLMN-DR-030 and section 5.3.1 of the Construction Methodology Report).
- 8.2.6. An Ecological Impact Assessment (EclA) was submitted with the application prepared by an ecologist which details a number of surveys undertaken including habitats, occurrence of avifauna, presence or likely presence of protected species targeted faunal surveys including bats. No invasive plant species were recorded on the site.
- 8.2.7. The subject site was classified in accordance with Fossitt 2000 with hedgerow (WL1), Improved Agricultural Grassland (GA1) and Buildings and artificial surfaces (BL3) recorded and presented in figure 3-3 of the EclA. This is consistent with observations from my own site inspection. No water course was identified within or bounding the site. No watercourses are identified in the AASR.

8.3. European Sites

- 8.3.1. In section 2.3.2 of the applicants AASR they detail they have used the source-pathway-receptor model to identify the potential zone of influence of the construction and / or operation of the proposal, and to which likely significant effect pathways were identified. Such pathways are described as land, air, hydrological, hydrogeological pathways etc. which may support direct or indirect connectivity. The AASR uses a 15km radius and considers it an appropriate zone of influence to screen all likely significant effects that might impact upon the European sites. It then identifies all European sites within 15 km of the application site.
- 8.3.2. As the Board will know a 15km radius is no longer considered an appropriate basis to identify European sites. Instead, the application of the source-pathway-receptor model alone to determine connectivity is considered appropriate.
- 8.3.3. Section 3.2 of the submitted AASR identifies 7 European Sites within 15km of the site and concludes that the application of Source – pathway – receptor dynamics to these 7 sites determines there is no connectivity (via surface water, groundwater, air or other environmental vectors) between the proposed project and the 7 sites.
- 8.3.4. Using the Source Pathway Receptor Model I do not consider any designated European site within the within a zone of influence of the proposed development. However, I have considered the submissions of the public regarding ornithological connectivity and possible ex-situ effects between the site and Poulaphouca reservoir SPA. I am satisfied this was considered in the applicants AASR as well as the applicant's response to public submissions. I will give this site further consideration here as set out below.

European Site	Qualifying Interests (summary)	Distance	Connections
Poulaphouca Reservoir SPA (004063)	Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183]	c. 8-14km	Possible ex-situ/ indirect via air

8.4. Likely impacts of the project (alone or in combination with other plans and projects)

- 8.4.1. As the proposed application site is not located within or adjacent to a European site there will be no direct impacts and no risk of habitat loss, fragmentation or any other direct impact.
- 8.4.2. Notwithstanding the distance of the site from European Sites including Poulaphouca Reservoir SPA and considering potential for indirect impacts, it is not inconceivable that Greylag Goose and/or Lesser-backed Gull could frequent the site during construction and operation. This in itself does not mean the use of the site by qualifying interests has the potential to undermine the conservation objective of the SPA to restore the favourable conservation condition of identified species in Poulaphouca Reservoir SPA, regardless of the proposed development.
- 8.4.3. It must be noted that neither species was identified during the study discussed in the submitted EclA and the applicant's response to public submissions details limited historical recordings of either bird species in the vicinity of the site.
- 8.4.4. The Conservation Objectives for the Poulaphouca Reservoir SPA discusses-
- "Barriers to connectivity and site use"
 - "Forage spatial distribution, extent and abundance" and
 - "Roost spatial distribution and extent"
- 8.4.5. It the details the-
- graylag goose is primarily a grazer with key foraging habitats include marshes, grasslands (particularly wet grasslands) and other wetland habitats, cereal stubble, estuaries, and lakes. When roosting overnight, this species typically utilises lakes, estuaries and other open waterbodies. Barriers can limit access to this SPA or ecologically important sites outside the SPA including number, location, shape and area of potential barriers must be taken into account to determine their potential impact. Access to ecologically important sites outside the SPA must also be considered as a single SPA may not satisfy all the ecological requirements of the wintering population, and it may require access to other SPAs or sites for certain activities, such as

foraging when preferred foraging areas are unavailable due to disturbance, extensive flooding, or other factors.

- Lesser Black-backed Gull forages within marine, freshwater and terrestrial (open habitat) environments. When roosting, it is found in a wide variety of marine, freshwater and terrestrial (including inland) habitats during winter. Barriers can limit the population's access to this SPA or ecologically important sites outside the SPA including number, location, shape and area of potential barriers.

8.4.6. The applicants have submitted an 'Ecology Response' dated 13/06/24 to supplement their AASR, in which they have referred to a number of studies. Regarding graylag goose they state-

"In view of the distance from the proposed substation and grid connection to documented foraging areas for SCI populations of Greylag Goose (c.14.1km to the north-east of the proposed site at its closest point) and the lack of records of Greylag Goose from Poulaphouca Reservoir SPA in recent years, no potential for likely significant effects on Greylag Goose as a result of the proposed project has been identified."

8.4.7. Regarding lesser black-backed Gull they state-

"The proposed site is not suitable to support breeding Lesser Black-backed Gull.....

.....at a distance of c.8.0km from Poulaphouca Reservoir SPA, the proposed site is located outside of both the core and home range areas of breeding adult Lesser Black-backed Gulls". As such, the proposed site is not likely to provide a regular and sustained foraging resource for the SCI Lesser Black-backed Gull population for Poulaphouca Reservoir SPA.

8.4.8. The further submission also refers to the NBDC database which indicates one Greylag Goose and 7 no. Lesser Black-backed Gull last recorded in 1984 and 2018 respectively in the environs of the proposed site. Because they were recorded within the environs of the site does not mean that the records were of SCI populations for Poulaphouca Reservoir SPA. This point is then illustrated by national records mapping in Figure 1 and 2 of the submission.

- 8.4.9. Notwithstanding the above, I also do not consider the proposed development would create a significant barrier likely to limit either bird species from accessing the SPA or other ecologically important sites.
- 8.4.10. Having considered all of the above including the conservation objectives of the site, the notable absence of any significant water body in the immediate environs and the distance of the site to the wider SPA area I do not consider there to be ex-situ ornithological connectivity to the Poulaphouca Reservoir SPA nor would the development during construction or operation be likely to have an impact upon the conservation species.

8.5. Likely significant effects on the European sites in view of the conservation objectives

- 8.5.1. In the absence of any connectivity to European sites including ex situ ornithological connectivity there is no likelihood for significant effects during construction or operation to any European sites in view of the conservation objectives.

8.6. In combination effects

- 8.6.1. In combination impacts have been considered with other permitted or known developments in the area including those set out in section 4- Planning History, of the main report, those set out in section 4.2.1 of the submitted AASR and those referred to in public submissions. I have also considered the relevant contexts of the Kildare County Development Plan 2023-2029. Particular regard has been had to the permitted Delamain Solar Farm ABP-318785-24, the application site of which forms much of and surrounds part of the subject application site. The Board will note a Stage 2 appropriate assessment or NIS was not required for the solar farm.
- 8.6.2. Having considered the nature and extent of the development as proposed including in combination effects with those developments identified I am satisfied that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site.

8.7. Overall Conclusion- Screening Determination

8.7.1. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, in view of the Conservation Objectives of any such site an Appropriate Assessment (and submission of a NIS) is not therefore required.

8.7.2. This determination is based on-

- The nature and extent of the proposed works and operational nature of the development
- The site's location and distance from European sites and lack of connectivity including hydrological and ex-situ/ornithological and
- takes into account the contents of the submitted AASR as supplemented by information received on the 19/06/2024 and the relevant submissions of the public.

8.7.3. No mitigation measures aimed at avoiding or reducing impacts on European sites were required to be considered in reaching this conclusion.

9.0 Recommendation

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

10.0 Reasons and Considerations

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

- a. the nature, scale and extent of the proposed development,
- b. the characteristics of the site and of the general vicinity,
- c. national, regional and local policy support for developing renewable energy, in particular:

- National Planning Framework, 2018,
 - Government Policy Statement on the Security of Electricity Supply, 2021,
 - The Regional Spatial and Economic Strategy for the East and Midlands Region, and
 - the Kildare County Development Plan 2023-2029
- d. the distance to dwellings or other sensitive receptors from the proposed development,
 - e. the planning history of the immediate area including the adjoining permitted Delamain Solar Farm,
 - f. the submissions on file from prescribed bodies,
 - g. the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely effects of the proposed development on European Sites, and
 - h. the report of the Inspector.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion in the Inspector's Report.

The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, including the Poulaphouca Reservoir SPA (004063), in view of any such site's Conservation Objectives.

This screening determination is based on the assessment of the nature and scale of the proposed development, the nature of the European sites identified, the Qualifying Interests/Special Conservation Interests and the separation distance and absence of

direct and indirect pathways between the European sites and the proposed development.

Proper Planning and Sustainable Development/Likely effects on the Environment

It is considered that subject to compliance with the conditions set out below the proposed development would accord with European, National, Regional and Local planning and related policy, would be **consistent** with the provision of the Climate Action Plan 2024 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements.

The proposed development is not a class of development requiring mandatory Environmental Impact Assessment nor would it be likely to have significant effects on the environment and accordingly the preparation and submission of a sub-threshold environmental impact assessment report is not required.

Overall the proposal would not have an unacceptable impact on the landscape, ecology or features of cultural heritage interest and would not seriously injure the visual or residential amenities of the area or of property in the vicinity. The proposal would be acceptable in terms of traffic and public safety. The proposed development 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 supplemented by the information received on the 19th day of June 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out in accordance with the agreed particulars.

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

2. All of the environmental, construction and ecological mitigation and monitoring measures set out in the Ecological Impact Assessment Report (EclA), Appendices, and all other particulars submitted with the application, shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.

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

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

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

4. Prior to the commencement of development the developer shall enter into a Connection Agreement with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply unless otherwise agreed with the Planning Authority.

Reason: In the interest of public health and to ensure adequate water facilities.

5. The developer shall comply with the transportation requirements of the planning authority and other relevant bodies for such works and services as appropriate.

Reason: In the interest of traffic and pedestrian safety.

6. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.
 - a. 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.
 - b. The CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Archaeological and Architectural Heritage Assessment by John Cronin and Associates (dated 5 March 2024) and by any subsequent archaeological investigations associated with the project. 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: In the interest of environmental protection, residential amenities, public health and safety and to ensure the continued preservation of archaeological features or objects on the site.

7. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development Archaeological Geophysical Test Excavation at the development site and to submit an Archaeological Impact Assessment Report for the written agreement of the Planning Authority, following consultation with the Department/National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works.
 - a) The Archaeological Geophysical Survey must be carried out under licence from the National Monuments Service and in accordance with an approved Method Statement. Having completed the work, the archaeologist shall

submit a written report to the Department and to the Planning Authority describing the results of the Archaeological Geophysical Survey.

- b) The archaeologist will liaise with the Department to establish-based on the results the Archaeological Geophysical Survey-the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.
- c) The report on the Archaeological Test Excavation shall include an Archaeological Impact Statement and Mitigation Strategy. Where archaeological material is shown to be present, avoidance, preservation in- situ, preservation by record (archaeological excavation) and/or monitoring may be required.
- d) Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the Department, shall be complied with by the developer.
- e) No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the Planning Authority.
- f) The Planning Authority and the Department shall be furnished with a final Archaeological Report describing the results of all archaeological monitoring and 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.

- 8. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation

from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory reinstatement of the site.

10. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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

Adrian Ormsby
Senior Planning Inspector

25th of October 2024

12.0 Appendix 1- Form 1 EIA Pre-Screening [EIAR not submitted]

An Bord Pleanála Case Reference	ABP-319252-24		
Proposed Development Summary	220kV substation and underground grid connection		
Development Address	townlands of Delamain and Dunnstown, Co. Kildare		
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	
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		N/A	EIA Mandatory EIAR required
No	X	<p>Class 2 Agriculture, Silviculture and Aquaculture (a)</p> <p><i>"Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares"</i></p> <p>The proposal does not propose removal of field boundaries of restructuring of rural land holdings. 25m of hedgerow are to be trimmed back. Therefore the proposal <u>is not a class on this basis.</u></p> <p>Class 10 Infrastructure Project</p> <p>(dd) <i>All private roads which would exceed 2000 metres in length.</i></p> <p>The proposal involves access tracks and not private roads exceeding 2000 metres. Therefore the proposal <u>is not a class on this basis.</u></p> <p>Class 15</p> <p><i>"Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant"</i></p>	Proceed to Q.3

		<i>class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7."</i> I do not consider the proposed development to be a project listed in Part 2 of Schedule 5 of the PDR's and <u>therefore is not a class on this basis.</u>	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant) Conclusion
No	X		No EIAR or Screening required
Yes		Class/Threshold.....	Proceed to Q.4
4. Has Schedule 7A information been submitted?			
No	X		Preliminary Examination required
Yes			Screening Determination required

Inspector _____ Date: _____

13.0 Appendix 2- Form 3 EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-319252-24	
Development Summary	Substation, underground grid connection and ancillary works	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	N/A	
2. Has Schedule 7A information been submitted?		The applicant has detailed the information required in Schedule 7A on page 4 of their Screening Report in the context of Annex IIA of the 2014 Directive i.e. the information be provided by a developer in respect of projects listed in Annex II of the directive. This is considered to refer to Schedule 5 Part I and 2 of the P&D Regs.
3. Has an AA screening report or NIS been submitted?	Yes	An AA Screening Report has been submitted and concludes the proposal does not have the potential to significantly affect any European Site and a Stage 2 assessment is not required.
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been	Yes	SEA part of the Kildare County Development Plan 2023-2029

carried out pursuant to other relevant Directives – for example SEA		
B. EXAMINATION	<p>Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect</p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p>	<p>Is this likely to result in significant effects on the environment?</p> <p>Yes/ No/ Uncertain</p>
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)		
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	<p>The site is predominantly an existing agricultural field and the substation part of the proposal will be different in character to the existing agricultural setting.</p> <p>However the part of the site where the substation is to be located is c. 0.6km SW of the existing Dunnstown 400/220kV substation.</p> <p>The proposed underground grid connection route runs along the R412 road to the entrance of the existing Dunnstown station.</p>	No

<p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p>	<p>The existing site is an agricultural field</p> <p>The proposal includes development of an electricity substation compound area of approx. 6,284 sq.m with associated buildings, security fencing and ancillary works.</p> <p>Connection works are underground within the site and the R412.</p> <p>The proposal will involve physical changes to the existing site but in the context of the wider locality these are not considered significant.</p>	<p>No</p>
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	<p>The proposal will require use of land and typical materials for such projects. These are not considered to be in short supply.</p>	<p>No</p>
<p>1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?</p>	<p>By its very nature the proposal involves electricity which can if not managed responsibly, be harmful to human health and the environment.</p>	<p>No</p>
<p>1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?</p>	<p>These will be generated during construction and operation but impacts are not considered significant subject to typical best practise construction methods, site management and planning conditions. Operational foul waste management includes an alarmed holding tank with periodic inspections.</p>	<p>No</p>

1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	A risk of contamination is typical at such sites during construction and operation. However subject to standard best practise construction methods, site management and planning conditions these risks are not likely or significant.	No
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for impacts during both construction and operation, however subject to standard practise construction methods, site management and planning conditions these risks are not likely. The risk of electromagnetic radiation is not considered likely and compliance with same is not a matter for the planning code.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Such risks are not likely due to typical best practise construction methods, site management and planning conditions.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	There are always such risks but subject to typical best practise construction and operation methods, site management and planning conditions these risks are not likely.	No
1.10 Will the project affect the social environment (population, employment)	Notwithstanding the public submissions received on the application I don't consider the proposal will significantly impact the social environment.	No

<p>1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?</p>	<p>The proposal should be considered in association with the solar farm permitted under planning reference numbers 23/567 and ABP-318785-24 and other developments as set out in section 4.0 of the main planning report, which together could be considered to have a wider large scale change that could result in a cumulative effect on the environment and in particular the landscape.</p> <p>However, having regard to the LCA Eastern Transition area as discussed in section 7.3 of the main report and subject to best practise construction and operation methods, site management and planning conditions as well as those of the permitted solar farm I don't consider any such impacts to be significantly adverse.</p>	<p>No</p>
<p>2. Location of proposed development</p>		
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA 	<p>No. Proximity to European and national designations are generally set out in section 5.5 of the main report.</p>	<p>No</p>

<ul style="list-style-type: none"> c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>I am not aware of any other such designation in close proximity of the site.</p> <p>Submissions to the file refer to the proximity of the site to Harristown Common c.NHA. The applicants have indicated this is between 0.6 and 1.4km from the site with no hydrological connectivity. This c.NHA appears to be a local authority designation as per Chapter 12 of the CDP. It is not a proposed or designated NHA as per the NPWS website⁶.</p> <p>The applicants have undertaken screening for AA using the source pathway receptor model within a 15km radius. They have concluded the proposal does not have the potential for significant impacts to such sites.</p> <p>This is reaffirmed in relation to ornithological connectivity by way of the applicant's response to public submission.</p> <p>I have carried out my own AA Screening in section 8 of the main report and find the proposal would not be likely to give rise to significant effects.</p>	
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⁶ <https://www.npws.ie/protected-sites/nha>

2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Having considered the submitted EcIA, AA screening report and other information on the file and having regard to best practise construction and operation methods, good site management and planning conditions I do not consider the proposal will have significant affects in this regard.	No
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Notwithstanding public submissions and subject to provisions of the submitted AAHA and appropriate planning conditions I do not consider the proposal likely to have significant affects to the landscape, or historic, archaeological, or culturally importance features.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	The site adjoins an area of forestry to its north. The proposal will not adversely impact this forestry.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	No

<p>2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?</p>	<p>The site is located c 4km east of the junction of the M7 and M9 and c.9 km west of the N81.</p> <p>The applicants have submitted a 'Site Access Report' which details intended delivery routes along the National and local road network with swept path analysis for turning manoeuvres into the site.</p> <p>I also note the submissions of TII and the local authority.</p> <p>Subject to appropriate conditions the proposal will not have significant adverse impacts on the environment.</p>	
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?</p>	<p>None identified in close proximity to the site.</p> <p>Notwithstanding public submissions received I note one-off houses are located in the general area with one located on the R412 and almost opposite the substation site but screened by forestry with others located off the road along the grid connection route.</p>	

3. Any other factors that should be considered which could lead to environmental impacts

<p>3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?</p>	<p>The potential for cumulative construction impacts is considered especially with the solar farm permitted under 23/567 and ABP-318785-24 as well as those identified in section 4 of the main report and as submitted with the application and public submissions.</p> <p>Subject to best practise construction methods, good site management and planning conditions including submission of a CEMP I do not consider there to be significant adverse impacts.</p> <p>Cumulative landscape and visual impacts should be considered but in the context of the existing Dunnstown substation, the permitted solar farm, existing forestry and general screening in the area, the sites location in the Eastern Transition LCA and subject to appropriate planning conditions I do not consider the proposal likely to have significant adverse impacts on the environment.</p> <p>Cumulative operational impacts are not considered significant.</p>	<p>No</p>
<p>3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?</p>	<p>The proposal is contained wholly in Kildare and does not have potential for transboundary effects.</p>	

3.3 Are there any other relevant considerations?	No	No
C. CONCLUSION		
No real likelihood of significant effects on the environment.	<div style="border: 1px solid black; text-align: center; width: 50px; height: 30px; margin: 0 auto;">X</div>	EIAR Not Required
Real likelihood of significant effects on the environment.	<div style="border: 1px solid black; text-align: center; width: 50px; height: 30px; margin: 0 auto;"></div>	
D. MAIN REASONS AND CONSIDERATIONS		
<p>Having regard to-</p> <ul style="list-style-type: none"> • The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001-24 (as amended) • The location of the proposed residential development within the Eastern Transition Landscape Character Area as designated in the Kildare County Development Plan 2023-2029 • The nature of the existing site and the pattern of existing and permitted development in the surrounding area; • The proposals for water supply and wastewater disposal to serve the development; • The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised; • The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); • The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as revised, and; 		

- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Ecological Impact Assessment, the Archaeological and Architectural Heritage Assessment, Site Access Report, the Noise Impact Assessment, the Construction and Environmental Management Plan and the Construction Methodology Report.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report is not, therefore required.

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____