



An
Bord
Pleanála

Inspector's Report ABP-319499-24

Development	110kV substation & associated works.
Location	Tomsallagh, Ferns, Co. Wexford.
Planning Authority	Wexford County Council
Applicant(s)	WXO Energy Ltd.
Type of Application	Permission
Type of Case	SID
Observer(s)	Wexford County Council
Date of Site Inspection	28 th May 2024
Inspector:	Karla Mc Bride

1.0 Site Location and Description

- 1.1. The site is located c.5km to the S of Ferns in County Wexford, c.4.5km NE of Enniscorthy, and c.0.2km W of the M11 Dublin to Wexford Motorway. It is located within a rural area and the lands are characterised by agricultural uses. The site is bound to the W by a local road (L6065-1) and the site boundaries are defined by a mix of trees and hedgerows. The substation site is located within the townland of Tomsallagh and within the footprint of a permitted solar farm (300427). There are several dispersed dwellings and farms in the vicinity, and overhead power lines run along the N and E site boundaries. The River Slaney SAC flows to the SW of the site, and there are several other sites of cultural and natural heritage interest in the area.

2.0 Proposed Development

- 2.1. This SID application under S.182A relates to the provision of a 110kV “loop in-loop out” substation and associated electrical equipment and associated equipment and overhead transmission lines, along with ancillary site works and local road upgrade works. The transmission lines will connect to the existing Crane-Lodge wood 110kV overhead line that traverses the lands. The proposed substation will serve the surrounding permitted Solar Farm.
- 2.2. The proposed development on the overall c. 7.7ha site would comprise:
- A substation compound within a c.2.3ha footprint.
 - Control & operational buildings.
 - Associated electrical plant, cabling, lightening masts, CCTV & fencing.
 - 2 x 110kV overhead line end masts (c.20m) & 2 x lattice gantries (c.16m).
 - New entrance & access road from the I-6065 local road.
 - Associated construction works and drainage infrastructure.
- 2.3. The application was accompanied by the following documents:
- Environmental Report:
 - CEMP
 - Noise Impact Assessment

- Archaeological Impact Assessment
- EIA Screening
- AA Screening Report
- Engineering & Architectural drawings

3.0 Observers

3.1. Prescribed Bodies

DHLG&H (DAU)

Archaeology:

- Note reference to previous solar farm AIA and current desk-based AIA.
- Test excavation should be carried out in advance of any development.
- Recommend that archaeological conditions be attached to require:
 - Pre-development archaeological testing & AIA with mitigations.
 - Any findings should be addressed in the CEMP.
 - Final report to DHLG&H & WCC, and costs borne by developer.

Nature conservation:

- Site lies within 2km of the Slaney River SAC & is connected via the Tinnacross Stream along the E site boundary.
- WFD Moderate status & At Risk, and an important salmon spawning tributary of the Slaney (QI species).
- AA Screening report references 44 records of FWPM in the Slaney, with the closest c.6.6km downstream (QI species).
- In-combination effects could be significant & require further consideration.
- Aspects of environment could have been changed by the solar farm works.
- This includes a dense sward of grass near the stream in the lower 2 x fields which acts to attenuate sediment laden run-off, and FI required.
- Landscape Plan required to ensure that silt etc. do not enter the stream & in line with the CDP Development Management Manual & Obj.GI01.
- Landscape Plan should include hedgerow translocation methodology & planting details, compensatory planting to offset c.140m loss, and compliment & provide added ecological value to the solar farm plans.

- Install specific, robust measures to extract rainwater from exposed bunds & keep oil spills within the bund; this system should monitor and dewater to retain 110% capacity, safely pumping water to the drainage system.
- Ensure long term management & maintenance of drainage measures.
- Consider above-ground attenuation as an alternative to the attenuation tank (incl. permanently wet ponds), use the downstream solar farm ponds, or require an attenuation pond on lands within the blue line boundary.

3.2. Public submissions

One letter received from John Murphy on behalf of his local community, and the following concerns were raised in relation to the proposed entrance off the L-6065-1:

- General disturbance
- Increased traffic & noise.
- Traffic safety hazards.
- More suitable alternative location off a laneway c.50m to the N.

3.3. Planning Authority Report

No report submitted.

3.4. Applicant's response to submissions

DHLG&H (DAU)

Archaeology:

- Happy to accept an archaeological condition.

Nature conservation:

- ***In-combination effects*** with adjacent solar farm, the fields to the SE of the substation site no longer form part of the solar farm development.
- ***Landscape plan*** not required by the Dev. Plan as the project is not residential or commercial development, but willing to submit one by FI.
- ***Transformer bund*** capacity will not be compromised by rainwater with no risk of oil escaping, designed so that overtopping cannot occur (110%

capacity + 200mm freeboard), & all overflow rainwater will discharge to a Class 1 Retention Oil receptor prior to discharging to the attenuation unit.

- ***Maintenance of surface water drainage system*** will be regularly undertaken by substation operator in line with EirGrids standard management & maintenance protocol & supplier specs.
- ***Attenuation pond*** will be an open surface water attenuation unit rather than an underground storage tank which was included as a typo error. The solar farm attenuation ponds can't be used by the substation as they are separate developments in separate ownership.

Public submissions

- The site entrance will not result in significant construction or safety issues.
- Construction traffic will be temporary & short term.
- Peak traffic over c.2 months with c.8 return HGVs per hour, and substantially less for the duration of the project.
- Operation substation will be managed remotely with only occasional visits.
- Site entrance is set back & splayed to provide adequate sightlines & avoid traffic hazard.
- Construction traffic will be managed by a CEMP & TMP, with minimal impacts on local residents.
- Alternative entrance to N is an existing private laneway to a farm, and its use would require modification (incl. widening, additional internal tracks, & further hedgerow & tree removal), with no change to traffic volumes and traffic would still have to pass the neighbouring houses.
- Shared entrance is not feasible as EirGrid requires a separate site entrance for a substation.

3.5. Oral Hearing

An Oral Hearing was not requested and is not required. The submissions from the Prescribed Bodies, Observers and County Council were circulated to the applicant for information only.

4.0 Planning History

ABP-318432-23: Following a pre-application consultation the Board determined that the proposed substation constituted SID, potential impacts on rivers and watercourses (incl. River Slaney) were highlighted and a list of Prescribed Bodies was provided for future consultations.

ABP-300427-17: Permission granted for a solar farm on the c.36ha site to include ground mounted solar panels, underground cabling, 11 inverters, control buildings & associated site works.

ABP-300329-17: Permission granted for a solar farm on the c.24ha site to include ground mounted solar panels, onsite substation, underground cabling, battery storage 11 inverters, control buildings & associated site works.

5.0 Policy Context

5.1. National and Regional policy

National Planning Framework, 2018-2040

This Plan sets out a high-level strategic plan for shaping future growth and development to 2040. It seeks to develop a region-focused strategy to manage growth and environmentally-focused planning at a local level. It contains several National Strategic Outcomes (NSOs) which include seeking to achieve empowered rural economies and communities, enhanced amenity and heritage, and a transition to a low-carbon and climate resilient society. It seeks to support the development of the electricity from renewable sources, and the need to reduce reliance on fossil fuels and cut carbon emissions.

National Development Plan, 2021-2030

This Plan underpins the National Planning Framework 2018-2040. It contains several priorities which include investment in regional growth potential.

Climate Action Plan, 2024

This plan seeks to tackle climate breakdown and achieve net zero greenhouse gas emissions. The Plan includes a commitment that a substantial proportion of all electricity generated will be from renewable sources by 2030.

Southern Regional Economic & Spatial Strategy 2020:

The RSES supports the delivery of the programme for change set out in the National Planning Framework and the National Development Plan. It sets out a strategic vision and policy objectives for climate change, sustainable development and renewable energy. It seeks to support the development of the electricity grid which will enable the transmission system to safely accommodate more diverse power flows from surplus regional generation and facilitate future growth in demand.

The Planning System and Flood Risk Management, 2009:

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

5.2. Wexford County Development Plan 2022-2028

The current Development Plan contains policies and objectives related to Climate Action (Ch.2), Transportation (Ch.8), Infrastructure (Ch.9), Landscape (Ch.11), and Heritage & Conservation (Ch.13).

Vol. 1 Ch. 9: Infrastructure

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

- The development is required in order to facilitate the provision or retention of significant economic or social infrastructure.
- The route proposed has been identified with due consideration for social, environmental and cultural impacts.
- The design is such that will achieve least environmental impact consistent with not incurring excessive cost.

- Where impacts are inevitable mitigation features have been included.
- Proposals for energy infrastructure should be assessed in accordance with the requirements of Article 6 of the Habitats Directive.

PT02: support connecting infrastructure for the integration of low carbon & renewable energy generation projects.

PT03: support the upgrading of existing electricity networks & reuse of existing power line routes.

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

Landscape:

- Landscape Character Unit: site lies with Lowlands & close to River Valley.
- Open for Consideration: site lies within an area suitable for solar farms.

5.3. Natural Heritage Designations

European sites	p/NHAs
Slaney River Valley SAC Wexford Harbour & Slobs SPA	Slaney River Valley pNHA Clone Fox Covert pNHA

6.0 Planning Assessment

The main issues arising are as follows:

- Principle of development
- Design, layout & visual amenity
- Movement & access
- Residential amenity
- Water, drainage & flood risk
- Biodiversity
- Cultural heritage
- Other issues

Section 7.0 contains Screening for EIA

Section 8.0 contains Screening for Appropriate Assessment

6.1 Principle of development

The proposed development would comprise the construction of a 110kV “loop-in-loop-out” air insulated switchgear (AIS) substation and associated electrical equipment and two 110kV overground transmission lines. The proposed substation and electrical infrastructure would serve 2 nearby permitted solar farms that were granted permission by the Board (Details in s. 4.0 above). The proposed overground transmission lines would connect the proposed substation to the Crane Lodgewood 110kV overhead lines that traverse the site.

The proposed development would contribute to the achievement of the objectives contained in the Climate Action and Low Carbon Development (Amendment) Act 2021 in relation to achieving a climate neutral economy by no later than 2050,

and the Climate Action Plan 2024, as it would support the connection of permitted solar farms to the national grid.

The proposed development would comply with national and regional policy as set out in National Planning Framework - Ireland 2040 and the Southern Regional Spatial & Economic Strategy, 2020 which seek to support the development of electricity infrastructure at appropriate locations.

The proposed development would comply with the policies and objectives contained in the current Wexford County Development Plan and in particular Policy PT01 which seeks to facilitate the provision of and improvements to energy networks in principle, subject to the consideration of social, environmental and cultural impacts. The proposed development would comply with several further Development Plan policies which seek to facilitate the sustainable development and promote and encourage the use of renewable energy. The proposed substation and overhead 110kV transmission cables would be located within lands that are in agricultural use which are not covered by any specific land use zoning objectives or heritage designations in the County Development Plan. Compliance with other relevant Development Plan policies and objectives (incl. transport, amenity, heritage, environment & biodiversity) will be addressed in the following sections of this report.

Having regard to the foregoing, I am satisfied that the proposed development, which would operate in conjunction with the permitted solar farms would comply with relevant national, regional and local planning policy, is acceptable in principle.

6.2 Design, layout and visual amenity

No concerns were raised in relation to design, layout and visual amenity.

The proposed development would be located within a rural area that is characterised by agricultural fields and narrow roads which are defined by mature hedgerows and trees. The site and surrounding lands are not covered by any sensitive landscape or scenic amenity designations and there are no protected views or prospects in the vicinity. The site lies within a Stronger Rural Area, a Lowlands Landscape Character Unit which has a Low-moderate sensitivity rating, and solar farms are Open for

Consideration. There are no Recorded Monuments or features of architectural merit within the site. There are 3 x recorded sites within 500m of the boundary of the c.44ha solar farm site (incl. a Neolithic pit) which were excavated as part of the M11 road scheme. Tomsallagh House, which is a Protected Structure and listed in the NIAH, is located c.460m N of the solar farm site and would not be adversely affected by the proposed substation. The proposed c.2.3ha substation compound would be located within an agricultural field which lies within the site of a permitted solar farm (c.44ha) and it would be set back from the local road and several nearly detached houses and farm buildings. The proposed substation would connect to the existing Crane -Lodgewood - 110kV overhead lines that traverse the site, by way of 2 x overhead line end masts (c.20m) and 2 x lattice gantry mast structures (c.16m).

Having regard to my inspection of the site and surrounding rural area, and taking account of the scale, height and layout of the proposed substation, overhead transmission cables and gantry structures, its location within a permitted solar farm site, and the absence of any sensitive landscape, scenic amenity or heritage designations, I am satisfied that the proposed development would not have an adverse impact on the landscape or visual amenities of the area. The main visual impact would be from along the nearby local road network, and this would diminish over time as the roadside hedgerows mature. Cumulative impacts would be local and not significant when the project is considered in-combination with the permitted solar farms, and existing overhead transmission lines.

6.3 Movement and access

Concerns were raised by the Observer in relation to the vehicular access arrangements are noted as it the Applicant's repone to them.

The proposed development would be located within a rural area c.4.5 km to the NE of Enniscorthy Town, c.5km Ferns Village, and c.0.2km to the W of the M11 Dublin to Wexford Motorway. The surrounding area is served by several regional and local roads. The site is access off a local road to the to the W of the site (L6065), and this local road provides access to several houses and farms, as well as the permitted solar farm.

The application was accompanied by a Construction and Environmental Management Plan (CEMP) which described the existing traffic environment along with other developments in the area (incl. permitted solar farms), and the proposed haul routes for equipment and materials which would mainly arrive from the S via the M11. The Environmental Report that examined potential impacts on the receiving environment (incl. population, air, climate & noise) including those emanating from construction traffic.

Chapter 8 of this report dealt with the construction and operational phases of the proposed development. It carried out baseline traffic and speed surveys and estimated traffic volumes during both phases. The report stated that the construction phase would last between 14 and 18 months, the main vehicular access for construction vehicles would be off the M11 and via the local road network to the L6065, and the new entrance which would require minor localised upgrade works to accommodate construction traffic. It estimated that peak HGV volumes (c.15 x 2-way) would be delivered to the site over a c.2-month period, with substantially lower volumes either side of this. The operational phase would generate a small number of maintenance visits per month as the substation would be remotely managed.

The proposed construction works could have a temporary short term adverse effect on the surrounding road network and the amenities of nearby houses and farms by way of general disturbance, traffic disruption, road soiling, restricted access, noise and dust. The CEMP contain several measures to address potential impacts and minimise disturbance. These measures include agreeing a Traffic Management Plan with the planning authority, which should provide for scheduling of traffic movements to minimise conflicts with other road users, on-site car parking, temporary signage, wheel washing and road condition monitoring with remedial works (as required).

Having regard to the scale and nature of the proposed development and the character of the surrounding road network (which has adequate spare capacity to accommodate additional traffic volumes), I am satisfied that the proposed development would not give rise to excessive traffic generation along the road network during either the construction or operational phase.

I note concerns raised by the Observer in relation to traffic generation and safety at the proposed entrance off the L6065, and the proposed alternative entrance to the N

of the site via an existing laneway. Given that most of the construction related traffic would travel along the local road network from the S of the site, the use of an alternative entrance to the N would not affect daily traffic volumes for the duration of the works. I note that this lane may be in private ownership and that its use would require additional works (incl. widening, hedgerow & tree removal and more internal access tracks) which could have a greater impact on the rural area than under the original proposal. I also note the applicant's reference to EirGrid requirements in relation to the need for separate entrance, and that notwithstanding the operational relationship between the permitted solar farm and proposed substation, they are separate entities. I acknowledge that the use of the proposed site entrance would cause a disturbance to the neighbouring houses, however, given the short-term temporary nature of the construction works and infrequent use of the entrance during the operational phase, I am satisfied that there would be no long-term adverse impacts. The TMP should however provide for engagement with the local community in relation to optimal delivery times which should avoid the morning and afternoon school run for those with young families.

Having regard to the foregoing, I am satisfied that the proposed development, taken in combination with the permitted solar farms and other existing and permitted development in the surrounding area, would not give rise to a traffic hazard or endanger the safety of other road users during the construction and operational phases. This would be subject to the implementation of the CEMP mitigation measures, agreement of a TMP, and compliance with any suggested planning conditions.

6.4 Residential amenity

There are several houses located close to the proposed entrance to the substation and proximate to 2 x temporary site compounds, and also to the N of the site, which would experience some disturbance during the 14 to 18 month construction phase. Concerns raised by the third parties in relation to potential adverse impacts on surrounding residential amenity with regard to traffic disturbance at the site entrance (incl. safety, noise & dust) are addressed in section 6.3 above. Any traffic related disturbance would be managed and mitigated by the measures contained in the CEMP and no long-term impacts anticipated during the operational phase.

The application was accompanied by an Environmental Report that described and examined potential impacts on the receiving environment (incl. population, air, climate, landscape, noise & traffic). The report included a Noise Impact Assessment (Appendix 8) which concluded that noise levels during the construction phase would not be significant subject to adherence to best construction practices (incl. control of operational hours). It concluded that impacts would be imperceptible at any nearby houses during the operational phase. Given that there would be a c.300m separation to the nearest house to the N and a c.380m separation distance to the nearest house to the W, I am satisfied that any adverse impact would not be significant.

It is likely that some cumulative noise impacts could occur in tandem with the construction of the adjacent permitted solar farm, if both projects are constructed simultaneously. However, having regard to the temporary and relatively short-term duration of the works, I am satisfied that construction noise would not give rise to any significant adverse impacts. Cumulative operational phase noise is also unlikely to arise or be significant, given the relatively benign nature of the solar arrays and the location of the transformers/inverters at a distance from the site boundaries.

6.5 Geology, soils and water

No concerns were raised in relation to geology and soils.

However, the DHLG&H (DAU) raised concerns in relation to the adequacy of the surface water drainage arrangements and the potential for adverse impacts on downstream water quality in the Tinnacross Stream.

The relatively flat site is underlain by Ordovician bedrock with a covering of till derived from Palaeozoic shales with alluvial deposits. There are no recorded Geological Heritage sites or Landslide events in the vicinity. The underlying Enniscorthy Groundwater body Status is classified as “Good” and “At risk”, and the aquifer is a “Regionally important fissured bedrock aquifer”. The site is located within the WFD Slaney and Wexford Harbour Catchment and the Slaney sub-catchment, and the river sub-basin is the nearby Tinnacross Stream which joins the River Slaney c.2km to the SW. The Tinnacross and Slaney have Moderate and Good WFD status respectively, and the Tinnacross is “At Risk” whilst the Slaney is “Not at Risk”. The River Slaney flows SE to discharge to the sea at Wexford Harbour over a

distance of c.23km. The on-site drainage ditches flow into the Tinnacross Stream, and the lands do not lie within a Flood Zone.

The application was accompanied by an Environmental Report which described the receiving environment, identified potential impacts and proposed measures to mitigate any potential adverse impacts. The report concluded that there would be no impacts on geology given the depth to bedrock, and that the impact of the proposed development on soils would be short term during the construction phase and limited to the excavation of c. 12.000m³ of material which will be used for site re-instatement.

Having regard to the relatively flat topography, the depth of the overburden, and the absence of any geological heritage features or landslides in the surrounding area, the nature and scale of the various project elements, and proposed CEMP mitigation measures, I am satisfied that the proposed development would not give rise to a risk of soil instability or erosion in the surrounding area.

The Environmental Report and Construction and Environmental Management Plan (CEMP) described the receiving environment, identified potential impacts on water quality and flooding, and proposed measures to mitigate any potential adverse impacts. The surrounding permitted solar farm application (300427) was accompanied by a Flood Risk Assessment (FRA) which concluded that that the project would not be located within a flood zone give rise to a flood risk. The Environmental Report concluded that the impact of the proposed development on water quality, on its own and in-combination with the permitted solar farm and other activities in the surrounding area, would be short term during the construction phase and imperceptible in the operational phase.

Water quality & drainage:

The excavation and construction works could have an adverse effect on ground and surface water quality by way of the uncontrolled release of fine sediments into surface water, the culverting of drains, and from accidental leaks and spills from fuel stores, plant, equipment and construction vehicles (incl. cement & concrete).

Accidental spills from maintenance vehicles during the operational phase could affect surface water run-off and hence downstream water quality.

Surface water discharge during the construction phase of the substation and associated infrastructure would be managed by embedded drainage arrangements and attenuation ponds (not tanks as clarified by the applicant in response to the DAU concerns). The measures contained in the CEMP, which include the management of sediment laden water and accidental spillages during the construction phase and avoidance of drainage ditches, would protect water quality in nearby watercourses including the Tinnacross Stream and the downstream integrity of the River Slaney, as would the storage of fuels and chemicals in bunded areas, and designated areas for material storage.

Having regard to the proposed drainage arrangements and the CEMP mitigation measures, which are designed to protect water quality, I am satisfied that the proposed development would not give rise to a risk of water pollution in nearby or further downstream watercourses, subject to adherence to the final CEMP and best construction practices. There would be no significant discharges during the operational phase as the visits to the site by maintenance vehicles will be infrequent.

Flooding & flood risk:

The OPW maps have no record of any significant flood events in the vicinity of the proposed development. The site does not lie within an indicative groundwater flood zone and the Historical “6-inch” and “25-inch” Maps do not indicate any historical or anecdotal flood events in the vicinity. The GSI Groundwater Mapping indicates no areas of predictive or historical groundwater or surfacing water flooding located or mapped within the vicinity of the sites.

The surrounding permitted solar farm application (300427) was accompanied by a Flood Risk Assessment (FRA) which examined the likelihood of a flood event in the Tinnacross Stream at and in the vicinity of the site (incl. substation site), in line with the Flood Risk Guidelines (2009). It concluded that the proposed development lies within Flood Zone C (Low to Negligible Probability of Flooding) and I am satisfied that the project is not subject to the requirements of the Justification Test. Taking accounting of this conclusion, the location of the proposed substation within Flood

Zone C, combined with an examination of OPW flood maps, I am satisfied that the proposed substation would not give rise to downstream flooding.

Having regard to the location of the proposed development within Flood Zone C, and notwithstanding that the lands may be susceptible to some localised pluvial flooding, and sections close to the nearby Tinnacross Stream may be affected by minor localised fluvial flooding, I am satisfied that the embedded design measures, drainage arrangements and CEMP mitigation measures would ensure that the proposed development would not obstruct flow paths or give rise to any downstream flooding, or adversely impact the substation infrastructure.

6.6 Biodiversity

The DHLG&H (DAU) raised concerns in relation to the adequacy of the surface water drainage arrangements and the potential for adverse impacts on downstream water quality in the Tinnacross Stream (incl. fish & aquatic invertebrates), and the potential for impacts on biodiversity (incl. net gain) resulting from the loss / translocation / replanting of hedgerows.

The proposed development would be located within a gently undulating rural area that is characterised by agricultural fields, and the boundaries are mainly defined by native trees, hedgerows and drainage ditches. The River Slaney is located to the SW of the site, the nearby Tinnacross stream has an aquatic connection to this river, and several drainage ditches traverse the overall solar farm lands. The site and environs provide habitats for terrestrial and aquatic wildlife.

The application was accompanied by a Screening for Appropriate Assessment report which described the receiving environment (incl. habitats & species), carried out desktop and field surveys, identified potential connections and potential impacts. The application was also accompanied by a Construction and Environmental Management Plan which contained construction phase mitigation measures to protect water quality and wildlife, and to ensure that the works are monitored and overseen by a project ecologist. The reports concluded that the impact of the proposed development on biodiversity in-combination with permitted solar farm and other activities in the surrounding area, would be short term during the construction phase and negligible in the operational phase.

The permitted solar farm and proposed substation sites and environs are characterised by several non-designated habitats (incl. agricultural grassland, woodland, hedgerows & riparian corridors). The surrounding lands are utilised by a variety of terrestrial and aquatic faunal species (incl. fox, hare, badger, otter, stoat, pine martin, birds, bats, common frog, fish & aquatic invertebrates). Otter has been recorded along the Tinnacross Stream and it is a QI species for the Slaney River Valley SAC. The various desktop and field surveys recorded some sensitive marsh habitat along the Tinnacross Stream close to the adjoining solar farm site, however it did not record the presence of any protected floral species, although some invasive species were present in the wider area but not on the site.

The proposed site clearance, excavation and construction works have the potential to affect biodiversity during the construction phase which could result in habitat loss and fragmentation, species displacement, diminution in water quality with resultant impacts on fisheries and aquatic invertebrates, and general disturbance from construction activities (noise, dust & traffic). The proposed development also has the potential to affect biodiversity during the operational phase as the substation compound could act as a barrier to mammal movement, the overhead elements could pose a collision risk to birds, and any malfunctions in the attenuation pond could adversely affect downstream water quality with resultant impacts on fish and aquatic invertebrates.

European sites:

Section 8.0 of this report deals with potential effects on SACs and SPAs, and it includes a Screening for Appropriate Assessment. It is possible that the project site may also be hydrologically connected to some further afield designated sites, or that the lands are of value to mobile species. This is addressed in section 8.0 below.

Natural Heritage Areas:

There are two p/NHA sites located within a 5km radius of the site (Slaney River Valley & Clone Fox Covert), but only one has a possible aquatic connection with the development site via the Tinnacross stream that ultimately drains into the River Slaney. However, the Slaney River Valley NHA would not be adversely affected by

the proposed works subject to the implementation of the CEMP water quality protection mitigation measures outlined above in section 6.5 and adherence to best construction practice.

Habitats, flora & fauna:

There are no recorded or designated sensitive habitats or floral species on or in the vicinity of the site. However, the surrounding mature trees, hedgerows, shrubland, ditches, watercourses and riparian vegetation may be of value to several species (incl. badger, otter, hare, birds, bats, common frog, invertebrates & aquatic wildlife) which could be disturbed and displaced during the construction works. However, it is likely they would return to the environs of the site when the substation and solar farm works are completed, in which case fencing panels should be erected in such a manner so as allow small mammals to traverse the site. This could be addressed a planning condition. The proposed boundary landscaping (incl. berms) and habitat enhancement measures for the surrounding solar farm site will have a positive impact on biodiversity.

Having regard to the location of the existing overhead cables and pylons in the vicinity, it is probable that birds have already habituated to the aerial presence of infrastructure, and it is unlikely that the proposed masts and gantries would pose a collision risk to birds. However, to err on the side of caution the overhead infrastructure should be fitted with bird deterrents to improve visibility. This could be addressed a planning condition.

Vegetation clearance should not take place during the bird nesting season and pre-construction seasonal surveys should be undertaken for bats, badgers and otter and a Derogation Licence sought for their removal and relocation if required. The release of pollutants to watercourses with resultant impacts on water quality, aquatic ecology and fisheries would be avoided. The implementation of the CEMP water quality protection mitigation measures outlined above in section 6.5 and adherence to best construction practice, would protect constituent aquatic species and/or prey species for Otter from any adverse impacts. Artificial lighting should be kept to a minimum so as to minimise disturbance to wildlife, including any commuting and foraging

badgers, otters and bats. Any outstanding concerns not already covered by the mitigation measures could be addressed by way of a planning condition.

The concerns raised by the DAU on relation to its preference for an attenuation pond over an attenuation tank are noted, and the applicant has clarified that surface water ponds will be used. The further concerns in relation to the use of the adjoining downslope solar farm fields for silt attenuation close to the Tinnacross Stream are also noted. The applicant states that the lower fields (and their natural riparian habitats) have been omitted from the solar farm site by way of Condition no.4 of the planning authorities' decision to grant planning permission. Notwithstanding this, I am satisfied that the proposed surface water management arrangements for the substation site are robust, and that they would not be overly reliant on the downslope riparian vegetation to control any sediment laden run-off and silt. I also note that the relatively short-term duration of the construction works, and I am satisfied that any potential adverse impacts would be equally short-term, temporary and reversible. The applicant as also responded to DAU concerns in relation to the capacity of the rainwater bund to contain rainwater and associated pollutants in a satisfactory manner, and I am satisfied that the bund will operate with a capacity to withstand any worst-case scenarios, with no overtopping or pollution events anticipated.

Conclusion:

Having regard to the embedded design measures, drainage arrangements and the CEMP mitigation measures, I am satisfied that the proposed development would not have an adverse impact on biodiversity, subject to adherence to the final CEMP, adherence to best construction practices and the implementation of any recommended conditions. There would be no significant impacts during the operational phase.

6.7 Cultural heritage

The proposed development would be located within a wider landscape to the S of Ferns which has a rich cultural and archaeological heritage that dates back to the Normans and beyond. The concerns raised by the DHLG&H (DAU) in relation to the heritage of the surrounding area and the adequacy of the archaeology assessment and is noted.

The application was accompanied by an Archaeological and Cultural Heritage Impact Assessment report that described and examined potential impacts on the receiving environment on the basis of a desktop and walkover survey. There are no Recorded Monuments within the site. There are 3 x recorded sites within 500m of the boundary of the c.44ha solar farm site (incl. a Neolithic pit) which were excavated as part of the M11 road scheme. However, there may be potential for undiscovered archaeological artefacts within the site, and the standard archaeological pre-testing and monitoring condition should be attached, which should require the preparation and submission of an Archaeological Impact Assessment to DAU and WCC.

There are no protected structures or NIAH features within the site. Tomsallagh House, which is a Protected Structure and listed in the NIAH, is located c.460m N of the solar farm site, and it would not be adversely affected by the proposed substation. Any further afield sensitive structures and features located in and around Ferns and Enniscorthy would not be affected by the proposed development.

6.8 Other issues

Cumulative Impacts: The Environment Report has considered cumulative impacts on the various elements of the receiving environment. There are several existing, permitted and proposed plans or projects within a 20km radius of the proposed development that have the potential to result in-combination effects on the receiving environment. The application was accompanied by an Environmental Report that described and examined potential impacts and in-combination effects on the receiving environment (incl. soils, geology, water, air, climate, noise, traffic, landscape, biodiversity & cultural heritage). The main projects relate to the recently permitted solar farm which would operate in conjunction with the proposed substation and transmission lines. Having regard to the nature, scale and location of the various projects I am satisfied that adverse cumulative effects can be avoided, managed and mitigated by the embedded measures which form part of the proposed development, CEMP mitigation measures, adherence to best construction practice and any recommended conditions.

Construction works: The proposed works should be carried out in accordance with an agreed Construction and Environmental Management Plan and Traffic Management Plan.

Financial contributions: not normally required for substations & transmission lines.

Landscape Plan: The DAU concerns in relation to landscaping are noted as is the applicant's response to them. The proposed substation site should be landscaped with native species trees and hedgerows in accordance with a Landscaping Plan, which should be submitted to and agreed in writing with the planning authority before development commences.

6.9 Conclusion

Having regard to the examination of the planning and environmental information contained above, and in particular to the supporting documents and the submissions from the planning authority and prescribed bodies and observers in the course of the application, it is considered that the main effects of the proposed development on the surrounding area and receiving environment have been identified in sections 6.0 to 6.6 of this report. It is considered that the proposed development would not give rise to any significant impacts, and the relatively minor planning and environment impacts are as follows.

- The ***risk of pollution of ground and surface waters during the construction and operational phases*** through a lack of control of surface water during excavation and construction and the mobilisation of sediments and other materials during the excavation and construction works. The construction and operation of the proposed project could also potentially impact negatively on ground and surface waters by way of contamination through accidents and spillages. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan, and the implementation of mitigation measures related to control and management of sediments, accidental spills and contamination, and drainage management.

- The proposed project would give rise to a minor localised increase in ***vehicle movements and resulting traffic impacts*** during the construction phase. These impacts would be mitigated by the agreement of measures within a Construction and Environment Management Plan and Traffic Management Plan.
- The project could give rise to minor localised impacts on ***residential amenity*** during the construction (noise, dust, traffic safety & general disturbance) phase. These impacts would be mitigated by the implementation of measures related to the protection of air quality, control of noise and dust, traffic management, and the perimeter native species landscaping.

7.0 Screening for Environmental Impact Assessment

The applicant's Environmental Impact Assessment Screening Report for mandatory and subthreshold EIA (S.6 of the Environmental Report) concluded that the proposed development does not need to be subject to EIA and that no EIAR report is required for the proposed development. The project is not of a type included in Schedule 5 Part 1 or Part 2 of the Planning and Development Regulations 2001 (as amended). Furthermore, it does not meet any of the criteria set out in Schedule 7 of the Regulations for determining whether a sub-threshold development would be likely to have significant effects on the environment, with regard to the characteristics of the works, its location and the characteristics of potential impacts.

Having regard to the nature and scale of the proposed development, which would comprise the construction of a 110kV substation and connection to the overhead transmission cables, along with associated and ancillary works, and the characteristics of the receiving environment which is not densely developed, albeit proximate to areas covered by sensitive ecological and heritage designations, I am satisfied that the proposed works would not have any significant adverse effects on population and human health, biodiversity, land, soil or water, air and climate, material assets, cultural heritage or the landscape, and the need for environmental impact assessment can, therefore, be excluded.

However, the applicant provided an EIA Screening report and Schedule 7A information with the application, and, therefore, the proposed development would require preliminary screening or EIA. I refer to Form no.3 appended to this report which concludes that sub-threshold EIA is not required.

8.0 Appropriate Assessment

8.1 Compliance with Articles 6(3) of the EU Habitats Directive

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

8.2 The Screening for Appropriate Assessment report

The application was accompanied by a Stage 1 Appropriate Assessment Screening which described the site, receiving environment (incl. habitats, species, watercourses & water quality) and the proposed development. It utilised the desktop data and specific field surveys for the proposed development and associated permitted solar farm. The report identified the following 2 x European sites that have the potential to be affected by the proposed development within a 15km radius of the site, but concluded that the potential for significant effects was unlikely and that the preparation of an NIS was not required.

- Slaney River Valley SAC
- Wexford Harbour & Slobs SPA

8.3 AA Screening Assessment

The DHLG&H (DAU) raised concerns in relation to European sites (incl. connectivity to the River Slaney River SAC via the Tinnacross Stream) and the main issues related to ecology and water quality are addressed sections 6.4 and 6.5 which deal with Water Quality and Biodiversity. This section should be read in conjunction with this assessment.

The proposed development would not be located within a European site, and it is not relevant to the maintenance of any European sites. There are 2 x European sites located within the Zone of Influence of the proposed (i.e. the area over which an impact can have a potential effect in relation to proximity of European sites and the mobility of faunal species from further afield sites). The Qualifying Interests and Special Conservation Interests, and approximate straight line and estimated aquatic separation distances from the project site to these European sites are listed below.

European site	QIs & SCIs	Separation distance	Link
Slaney River Valley SAC (000781)	Estuaries and Mudflats & sandflats Atlantic & Mediterranean salt meadows Floating river vegetation. Old sessile oak woods & Alluvial forests Freshwater Pearl Mussel Sea, Brook & River Lamprey Twaite Shad & Salmon Otter & Harbour Seal	c.1.5km downstream to SAC boundary	Aquatic via Tinnacross stream
Wexford Harbour & Slops SPA (004076)	Little Grebe & Great Crested Grebe Cormorant & Grey Heron Bewick's Swan & Whooper Swan Light-bellied Brent Goose Shelduck, Wigeon & Teal Mallard, Pintail, Scaup & Goldeneye Red-breasted Merganser & Hen Harrier Coot, Oystercatcher & Lapwing Golden & Grey Plover Knot, Sanderling & Dunlin Black-tailed & Bar-tailed Godwit Curlew, Redshank & Little Tern Black-headed & Lesser Black-backed Gull Greenland White-fronted Goose Wetland and Waterbirds	c.8.8km downstream to SAC boundary	Aquatic

The potential effects relate to:

- Transport of pollutants (incl. sediments & chemicals) in ground or surface water flowing into the European sites via on-site tributaries.
- Ex-situ impacts on QI species outside the European sites but which are an integral and connected part of the population of qualifying interest species.
- Loss of foraging lands for mammals and interference with flight lines of bird species associated with the European sites.
- Introduction of invasive species with resultant impacts on habitats & species.

The construction phase of the proposed development would comprise some minor site levelling, minor removal of some hedgerows, and the installation of the substation and ancillary works. Adherence to general best practice methodologies during the construction phase would control the release of sediments to surface water and prevent surface and ground water pollution as a result of accidental spillages and leaks. The operational phase of the proposed substation would be relatively environmentally benign with no adverse effects anticipated, and there is no potential for cumulative impacts in-combination with other plans and projects in the surrounding area (incl. the adjoining solar farm).

Slaney River Valley SAC: Although the site ultimately drains to the River Slaney over an aquatic distance of c.2.8km, via the Tinnacross Stream, the upper section of the stream is not covered by the SAC designation which occurs c.1.5km downstream of the site. It is also noted from the NPWS Maps that most of the QI habitats and species are either not located within the upper reaches of the SAC, or they are located further downstream of where the designation commences. Otter, which is a QI for the SAC, may commute along the surrounding watercourses, including the Tinnacross Stream. However, having regard to relatively small scale of the project combined with CEMP standard construction practices, I am satisfied that water quality and hence any prey species for Otter in the Tinnacross Stream would not be adversely affected, and that the project does not require any further consideration.

Wexford Harbour & Slobbs SPA: the proposed development should be screened out for further assessment in relation to potential impacts on this SPA because of the separation distance between the proposed development and associated construction works, the nature of the European site, and the location of the project outside of the maximum foraging range for mobile species during the breeding season. Having regard to relatively small scale of the proposed development, the project does not require any further consideration because of the substantial distance between it and the European site.

AA Screening Conclusion

In conclusion, having regard to the nature and scale of the proposed development, the proximity of the project to the European sites, to the nature of the qualifying interest habitats and species, and the special conservation interest species, and the conservation objectives of the European sites, and to the available information as presented in the supporting documents regarding ground and surface water pathways and mobile connections between the project and the European sites, and other information available, it is my opinion that the proposed development does not have the potential to affect any European sites having regard to the conservation objectives of the relevant sites, and that progression to a Stage 2 AA is not required.

9.0 Recommendation

Arising from my assessment of this planning application I recommend that planning permission should be granted for the proposed development for the reasons and considerations set down below, and subject to the attached conditions.

10.0 Reasons and Considerations

Having regard to:

- a. The National Planning Framework – Ireland 2040,
- b. The Southern Regional Spatial and Economic Strategy, 2020,
- c. The Government of Ireland Climate Action Plan, 2024,
- d. The policies of the planning authority as set out in the Wexford County Development Plan 2022-2028,
- e. The distance to dwellings or other sensitive receptors,
- f. The submissions made in connection with the application,
- 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 significant effects of the proposed development on European Sites,
- h. The report and recommendation of the Inspector.

Proper planning and sustainable development:

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

Screening for Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that having regard to the nature and scale of the proposed development, the proximity of the project to the European sites, to the nature of the qualifying interest habitats and species, and the special conservation interest species, and the conservation objectives of the European sites, and to the available

information as presented in the supporting documents regarding ground and surface water pathways and mobile connections between the project and the European sites, and other information available, the proposed development does not have the potential to affect any European sites having regard to the conservation objectives of the relevant sites, and that progression to a Stage 2 AA is not required.

11. Conditions

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

Reason: In the interest of clarity.

2. The mitigation measures identified in the CEMP and other plans and particulars submitted with the planning application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

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

3. The developer shall comply with the following general requirements:
 - (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
 - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
 - (d) Interconnecting cables within the substation site shall be located underground.

Reason: In the interest of clarity, of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4. The developer shall comply with the following additional nature conservation requirements:
- a. No felling or vegetation removal shall take place during the period 1st March to 31st August.
 - b. A pre-construction survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (incl. otter, badger, birds and bats).
 - c. Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.
 - d. In the event of badger setts being identified proximate to the proposed development, a 30m buffer zone shall be installed around the outermost entrances to the sett during the breeding season. Derogation licences shall be obtained as required.
 - e. Bird deterrents shall be installed along the overhead transmission cables.

Reason: In the interest of biodiversity and nature conservation.

5. A landscape Plan shall be submitted to the planning authority for written agreement before development commenced. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those original required to be planted.

Reason: To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

Reason: In the interest of public health and to ensure a proper standard of development.

7. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Prior to commencement of development, a traffic management plan for the construction stage shall be submitted to, and agreed in writing with the planning authority. The plan should also contain details of how the developer intends to engage with and notify the local community in advance of the delivery of construction materials and equipment.

Reason: In the interest of traffic and pedestrian safety and the proper planning and sustainable development of the area.

8. The construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management, an invasive species management plan and off-site disposal of waste.

Reason: In the interests of public safety and residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.

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

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

11. The preservation, recording and protection of archaeological materials or features that may exist within the site shall be facilitated. In this regard, a suitably-qualified archaeologist shall be retained to monitor all site investigations and other excavation works and provide arrangements for the recording and for the removal of any archaeological material considered appropriate to remove. The final Archaeological Impact Assessment report shall be submitted to the Department of Housing, Local Government and Heritage and to Wexford County Council.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

Reason: To ensure the satisfactory completion of the development.

Professional declaration

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.

Karla Mc Bride

Senior Planning Inspector

4th July 2024