Inspector's Report
ABP-319534-24

Development	Ten-year planning permission for an energy storage facility and all associated site works. The operational lifetime of the proposed development is 35 years. This planning application is accompanied by an Appropriate Assessment Screening Report.
Location	Shankill Lower (Clonervy E. D.), Cavan, Co. Cavan
Planning Authority	Cavan County Council
Planning Authority Reg. Ref.	2360236
Applicant(s)	Accelerate Renewables Ltd.
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellant(s)	Thomas Reilly Nancy Conaty Lorraine and Martin McGovern Derek and Amanda Grant

Observer(s)	Lorraine and Martin McGovern Nancy Conaty
Date of Site Inspection	9th of April 2025.
Inspector	Stephanie Farrington

Contents

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 3.510 ha, is located in the townland of Shankill Lower, Clonervy ED, Co. Cavan, c. 3.5km east of Cavan Town. The application drawing illustrate that the site has a generally flat topography, with site levels ranging from between 91m and 102m above ordnance-datum (AOD). The site is in agricultural use and consists predominantly of improved agricultural lands bounded by mature hedgerows along the north, northwest and western boundaries of the site. Access to the site is currently provided via an existing agricultural gate from the L2035 to the north of the site. An existing access track from the L2035 provides access to the proposed site.

1.2. The Annagelliff River flows northward along the eastern site boundary then westward through the northern parts of the site. EPA mapping identifies that water flows in a western direction through the site. The Flood Risk Assessment submitted in conjunction with the application outlines that an existing culvert of the river is provided along the existing field access track.

1.3. The existing pattern of development within the immediate vicinity of the site is rural in nature. The site is adjoined by agricultural fields to the east and west and the southern boundary of the site abuts a mature forest. Existing dwellings are located to the northeast and northwest of the site along the L2035. Within the wider area, the N3 national road is located approximately 900m to the south of the proposed development site. The Shankill 110kV electricity substation and its associated electrical infrastructure and overhead lines is located c. 450m to the northeast.

2.0 Proposed Development

2.1. The application seeks a 10-year permission for an energy storage facility and associated site works. The development includes the following elements:

- Battery energy storage containers installed on concrete plinths, 48 nr. BESS units (approx. 2.4m high - 3.5m wide x 9.8m length = 34.3m² x 48 = 1646.3m)
- Electrical inverters and transformers,
- 12 nr. Electrical inverters & transformers (i.e. Power Conversion Systems) (approx. 2.6m high - 2.7m wide x 11.8m length) (12 x 31.86m² = 382.32m²);

- Power control centre units, 2 nr. PCC units (approx. 4.3m high - 7.3m wide x 12.2m length) (89.06m² x 2 = 178.12m²)
- Underground electrical and communications cabling,
- The upgrade of an existing agricultural access point from the L2035,
- On-site access track, A new gravel site access track (4m wide and 350m in length), which connects to the existing L2035.
- Security fencing and security gates, Proposed 2.6m high palisade fence;
- Pole-mounted security cameras, and
- All associated ancillary site development, including landscaping and reinstatement works.

2.2. The proposed development will provide storage for surplus electrical energy which periodically arises in the national grid. Stored energy will be returned to the grid during periods of peak demand. The development will comprise of a secure compound area containing a number of battery containers; ancillary heating, ventilation and air conditioning units; and corresponding electrical inverters, and transformers paired together (known as 'power conversion systems'). The BESS containers and conversion system are generally placed on an area of hardstanding and further supported by concrete footings/plinths. Each of the containers will connect, via underground electrical cabling to the associated power conversion system. The BESS compound will extend to an area of approximately 1.17 ha. An estimate of the cumulative/total floor area of proposed development (structures) is 2,206sqm.

2.3. The operational timeframe of the development is 35 no. years. The application documentation outlines that after the expiry of this period the applicant will decide whether to continue to operate or to decommission the development. For the purposes of this planning application, decommissioning is assumed and that any further operation beyond 35-years would require further planning consent. The application documentation outlines that on decommissioning of the proposed development, all above ground infrastructure will be removed and the proposed development site returned to its current condition.

2.4. The application drawings indicate the future location of a proposed substation compound and cable connection to be located at the north-north-east corner of the site.

2.5. The following documentation was submitted in conjunction with the planning application:

- Completed Planning Application Forms and Public Notices
- Application Cover Letter
- Architectural Drawings
- Planning and Environmental Report
- Appropriate Assessment Screening Report
- Ecological Appraisal
- Environmental Impact Assessment Screening Report
- Road Safety Audit
- Environmental Noise Assessment
- Landscape Visual Impact Assessment (LIVA) Photomontages
- Drainage and Floodrisk Assessment
- Archaeology, Architecture & Cultural Heritage

Cavan County Council's request for Further Information

2.6. The application was subject to a request for further information (FI request) from Cavan County Council. The following provides a summary of the key points raised:

1. The applicant is required to submit full details of the proposed fire-fighting system. If water is to be the preferred extinguishing media the applicant should provide details of water supplies at the proposed site.
2. The applicant is required to submit drawings which illustrate the detail of deflagration panels within the BESS containers as referred to within the application documentation.
3. The proposed site access route should comply with the design specifications for access routes and hardstanding areas for a pump type appliance

contained in 5.2.4 of Technical Guidance Document B. Please submit documentation clearly indicating compliance with the above requirements.

2.7. The following documentation was submitted in conjunction with the applicant's FI response:

- FI Response Cover Letter – CD Consulting
- Revised Plan and Elevation Drawings which detail deflagration panels
- Response to queries raised by Chief Fire Officer in CCC
- Fire Protection Concept and Fire Mitigation Strategy

3.0 Planning Authority Decision

3.1. Decision

Cavan County Council issued a notification of decision to grant permission for the development subject to 26 no. conditions.

The following conditions attached to the permission are of note:

- Condition 2: Duration of permission is 10 years.
- Condition no. 3: (a) This permission shall be for a period of 35 years from the date of this Order. The battery storage units, control building and all related development shall then be removed from the site unless, prior to the end of the appropriate period, planning permission for the retention of the development has been obtained. (b) A decommissioning strategy for the proposed development and a site restoration plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.
- Condition no. 4: Prior to the commencement of development, full details of the final layout and design of the project, including specifications of the infrastructure to be installed and the relevant fire safety, fire suppression and firefighting measures to be provided, shall be agreed in writing with the Planning Authority.

- Condition 15: The applicant shall ensure all relevant mitigation measures and associated infrastructure referenced in the application documents are implemented, installed and maintained.
- Conditions 16 to 24 relates to surface and groundwater monitoring and water quality protection measures.
- Condition 25: The works on site, including all drainage works, must be carried out in consultation and agreement with Inland Fisheries Ireland. Prior to commencement of development, the applicant shall submit evidence of this consultation and agreement with Inland Fisheries Ireland to Cavan County Council.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Initial Planner's Report (19/12/2023)

The initial planner's report recommends a request for further information. The following provides a summary of the key points raised.

Principle of Proposal

- The planner's report refers to the provisions of the Cavan County Development Plan. The report outlines that the Plan is not specific on the type of proposed infrastructure being a Battery Energy Storage System (BESS). The proposal is assessed in terms of the Gas and Electricity Development Objectives: GE 01 – GE 04 and GE 07 & GE 09. The principle of the proposal is deemed acceptable and in compliance with development objectives GE 02 and GE 03.
- The development is deemed to be in compliance with national, regional and local planning policy objectives (including Development Objective EDO 6) in the transition to a low carbon society.

Siting and Visual Impact

- The planner's report outlines that the development is unlikely to have a major visual impact on the surrounding area having regard to the distance of the site

from the public road nearest residential dwellings, the flat topography of the site, the low-level height of the proposed BESS Structures (2.6m), and the presence of mature hedgerow along the boundaries and landscaping proposals.

- The proposed security lighting is considered to give rise to an element of light pollution.

Noise

- The planner's report cross refers to the noise impact report submitted in conjunction with the application which outlines that the development is not likely to result in any significant noise effects at sensitive noise receptors.

Road, Access and Traffic Movements

- The planner's report refers to the Road Safety Audit submitted in support of the application which outlines that construction phase traffic is estimated at 10 per day over the 18-month construction period and the development will result in minimal operational phase traffic movements (1-2 visits per month).
- The development will not give rise to significant impact on the local road network.

Archaeology

- The report refers to the Archaeological Impact Assessment submitted in support of the application which outlines that there are no RMP sites within the proposed development site or within the 1km study area. No issues are deemed to arise in relation to impact on archaeology.

Flood risk and Surface Water Environment

- The report refers to the Flood Risk Assessment submitted in conjunction with the application which outlines that all of the proposed development lies outside the flood zones with the exception of a short section of access track which unavoidably crosses watercourse and floodplain. The proposed development, including the access track is designed to be resilient to post-development flood levels.

Fire Safety

- The report cross refers to the recommendation of the Chief Fire Officer for further information on the basis of information deficiencies in relation to the proposed impact of the development from a fire safety point of view.

Natural Heritage

- The report refers to the Ecological Impact Appraisal submitted in support of the application which identified that there is no evidence of protected species on site. The site is identified as a suitable habitat for badgers. The report refers to the Mitigation Plan set out in Section 6 of the (EcIA) and outlines that potential impacts can be mitigated within measures to be set out within a Construction Management Plan.

Screening for EIAR

- The report outlines that the proposed development, being a BESS and associated infrastructure; is not of a type or class of development listed at either Part 1 or Part 2 of Schedule 5. The preparation of an EIAR is therefore not mandatory.
- The report refers to the Environmental Impact Screening Assessment submitted in support of the application which concludes that having regard to the characteristics of the proposed development and those of the receiving environment; significant effects on the environment are unlikely to occur and therefore the reparation of an EIAR in not required. The planner's report concurs with this assessment.

Appropriate Assessment

- The Planning Authority's Determination on Appropriate Assessment concludes that: *"The Planning Authority has noted the report and that the proposed site is located within both the Lough Oughter & Associated Loughs SAC Natura 2000 Buffer Zone and the Lough Oughter SPA Natura 2000 15km Buffer Zone. Having reviewed the screening report submitted with the application and having regard to the nature and scale of the development and to the distance of same from this site (approximately 6.5km from Lough Oughter and the Lough Oughter Complex SPA) . In addition, I have noted that*

from the assessment methodology carried out, which addresses the source-pathway-receptor model, I am satisfied that the conclusion of the AA Screening report it is considered that a Stage 2 Appropriate Assessment is not required for this development".

Impact on Residential Amenities

- The report outlines that with regard to the issues of loss of amenity, having regard to the separation distance, the scale of the development and existing and proposed landscaping, the development will not have an undue negative impact on the amenities of property within the vicinity.

Recommendation

- The report recommends a request for further information in accordance with the recommendation of the Fire Officer's Report. The report includes a notation that the applicant is required to liaise with the Cavan County Council Fire Officer, prior to submission of the further information.

Planner's Report on Further Information (25/03/2023)

The report provides a summary and assessment of the applicant's FI response. The report outlines that the Planning Authority is satisfied that the issues raised within the FI request have been sufficiently addressed. The issues raised within the submissions are addressed by means of condition.

The report recommends a grant of permission for the development subject to conditions.

3.2.2. Other Technical Reports

Fire Officer's Report (01/12/2023)

- The report recommends a request for further information in respect of the following:

    1. The applicant is required to submit full details of the proposed fire-fighting system. If water is to be the preferred extinguishing media the applicant should provide details of water supplies at the proposed site.
    2. The application refers to the design of the BESS containers including deflagration panels which will in the event of fire open to avoid the buildup

of gases. The applicant is required to submit drawings clearly reflect this detail.

3. The proposed site access route should comply with the design specifications for access routes and hardstanding areas for a pump type appliance contained in 5.2.4 of Technical Guidance Document B. The applicant is required to demonstrate compliance with the requirements for a pump type appliance contained in section 5.2.4 of Technical Guidance Document B. Please submit documentation clearly indicating compliance with the above requirements.
4. The submitted environmental and planning report on page 17 makes reference in a footnote to An Bord Pleanála case indicating that specific technical and certification matters relating to fire safety are most appropriately managed in accordance with the Building Control Act. This is erroneous in this situation as the proposed development of the BESS does not fall under the remit of the Building Control Act. There is no "building" involved in the battery energy storage systems. They are containerized modules and therefore would not be classified as a building. Therefore, no obligation for an application for a fire safety certificate under the Building Control Regulations exists and as such review of suitability or otherwise of the fire safety measures proposed can only take place via the planning application system.

The Fire Officer's Report includes the following notation:

I note that the applicant recommends the inclusion of the following condition on page 18 of the Environmental and Planning report: "Prior to the commencement of development, full details of the final layout and design of the project, including specifications of the infrastructure to be installed, shall be agreed in writing with the Planning Authority."

I would suggest that where such a condition is included in the decision on the application it be amended to also include agreement on the fire safety measures to be included in the development . "Prior to the commencement of development, full details of the final layout and design of the project, including specifications of the infrastructure to be installed and the relevant fire safety, fire suppression and fire

fighting measures to be provided, shall be agreed in writing with the Planning Authority."

Environmental Services- Waste Management (08/12/23)

- The report recommends conditions in the instance of a grant of permission.

Environment Section (30/09/2023)

- The report recommends a grant of permission subject to conditions.

3.3. Prescribed Bodies

None.

3.4. Third Party Observations

5 no. observations were lodged in respect of the initial application. The issues raised within the observations on the application primarily reflect those raised within the grounds of appeal. These key issues are briefly summarised as follows:

- Traffic/Access
- Environmental Impact
- Visual Impact
- Impact on Residential Amenity and Property Values
- Fire Risk and Health and Safety
- Noise Impact.

1 no. observation was made in respect of the applicant's Further Information response. The observation raises concerns in relation to the applicant's FI response particularly in relation to Fire Risk and Health and Safety Risk to residents in the vicinity.

4.0 Planning History

None on site and no recent significant within the immediate vicinity.

BESS application, Pottle, Cavan

PA Ref: 23/60264, ACP Ref: 319637-24: Application for energy storage facility and associated site works at Pottle, Baillinagh, Co. Cavan granted by CCC in April 2024 and currently subject to appeal with ACP.

5.0 Policy Context

5.1. National Policy

Climate Action and Low Carbon Development (Amendment) Act 2015 as amended

5.1.1. This Act 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 Commission must, in so far as practicable, perform its functions in a manner that is consistent with the most recent approved climate action plan, most recent approved national long term climate action strategy, national adaptation framework, sectoral plans, furtherance of the national climate objective and the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

5.1.2. Section 15(1) of the Act, as amended states:

'A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

(a) the most recent approved climate action plan,

(b) the most recent approved national long term climate action strategy,

(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Climate Action Plan 2025 (CAP)

5.1.3. This 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.

5.1.4. Section 3.1 of the Climate Action Plan outlines that CAP25 is to be read in conjunction with CAP24 and takes account of key developments in the policy and evidence base in the previous year while setting out a range of new actions in response to the latest data.

5.1.5. BESS may provide back-up to a renewables-based electricity grid or may contribute to the resilience of the overall energy supply network. The need for such flexible generation capacity is recognised as a national priority in the Government Policy Statement on Security of Electricity Supply, and in the Climate Action Plan 2024 (CAP 2024) and the Climate Action Plan 2025 (CAP 2025).

5.1.6. The CAP 2025 emphasizes the importance of grid reinforcement and demand management. In terms of Actions, the key theme for electricity is accelerating flexibility. Action no. EL/25/2 seeks to publish a long Duration Energy Storage (LDES) procurement recommendations paper in Q1 of 2025.

5.1.7. One of the 2025 KPI's for Electricity as identified within the CAP 2025 Annex of Actions relates under the theme of "Accelerate Flexibility" relates to the requirement to have long term storage (4 hours plus) in place.

Climate Action Plan 2024

5.1.8. Within CAP 24 is the commitment to adopt and Electricity Storage Policy Framework (Action: EL/24/16). Throughout CAP 24 electricity storage is recognised as a key technology under several aspects of the renewable transition.

5.1.9. Key Actions identified include:

- EL/24/20: Implementation of CRU Energy Demand Strategy.
- EL/24/23 Incentivise and enable large energy users to precipitate on flexible demand initiatives designed to enable low/zero carbon demand growth.
- EL/24/24 Create a route to market for medium and long duration storage facilities which can provide flexible demand.
- EL/24/28 Enable distributed flexible customers to participate in wholesale and system services markets.

Project Ireland 2040 – National Planning Framework First Revision (April 2025)

5.1.10. 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). NSO 8 focuses on the 'Transition to a Carbon Neutral and Climate Resilient Society'. The NPF outlines that "*the Climate Action and Low Carbon Development (Amendment) Act was enacted in 2021 with a commitment to a legally binding target to reduce greenhouse gas emissions by 51% and increase the share of electricity generated from renewable sources to 80% over the decade (2021 – 2030), and to achieve net-zero emissions no later than 2050"*.

5.1.11. The NPF outlines 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"*.

5.1.12. Chapter 9 relates to Climate Transition and Our Environment. The following National Policy Objectives are relevant:

- NPO 69: Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.
- NPO 70: Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.

Government Policy Statement on Security of Electricity Supply, November 2021

5.1.13. This Policy Statement details that electricity is vital for the proper functioning of society and the economy. It notes a reliable source of electricity is vital for consumers to have confidence in the transition to a net zero emissions future and that ensuring continued security of electricity supply is a priority at national level and within the overarching EU policy framework in which the electricity market operates.

5.1.14. 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"*

5.1.15. It also details –

"It is expected that the majority of renewable energy generated by 2030 will be from wind and solar. These sources of renewable energy are variable in nature and therefore will require other technologies to both support their operation and provide electricity supplies when they are not generating. This will require …… other technologies such as energy storage (e.g. batteries)……"

5.1.16. 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"….*

5.1.17. 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".*

National Biodiversity Action Plan (NBAP) 2023-2030

5.1.18. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission.

5.1.19. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.2. Regional Policy

Northern and Western Regional Assembly Regional Spatial and Economic Strategy (RSES) 2020-2032

5.2.1. The Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region provides a long-term regional level strategic planning and economic framework, to support the implementation of the NPF, for the future physical, economic and social development for the Northern and Western Region.

5.2.2. The RSES outlines that one of the key challenges for the region is climate change and how climate change will impact on land-use change and increasing demands on natural resources into the future. The RSES outlines that "*The Northern and Western Regional Assembly needs to strategically prepare for locally based energy networks enabling locally produced electricity connection to the grid and flexible energy consumption."*

5.2.3. Chapter 4 of the RSES refers to Growth Ambition 1: Economy and Employment – Vibrant Region. This Chapter focuses on further improving the solid foundations for success, creating opportunities for individuals, businesses, the community and future generations. It also addresses the challenges that might otherwise limit the region's potential growth. Section 4.4 relates to Sectors and Clusters within the region and identifies Renewable Energy and Low Carbon Future as one of the sectors of most importance for the region. The RSES outlines that the region has the unique natural endowment of ample carbon-neutral, energy supplies that gives us an opportunity of forging and leading the new clean economy of the future.

5.2.4. The following Regional Policy Objectives are of relevance:

- RPO 4.16: The NWRA shall co-ordinate the identification of potential renewable energy sites of scale in collaboration with Local Authorities and

other stakeholders within 3 years of the adoption of the RSES. The identification of such sites (which may extend to include energy storage solutions) will be based on numerous site selection criteria including environmental matters, and potential grid connections.

- RPO 4.18: Support the development of secure, reliable and safe supplies of renewable energy, to maximise their value, maintain the inward investment, support indigenous industry and create jobs.
- RPO 5.1 Local Climate Strategies will be prepared by the Climate Action Regional Office (CARO) and Local Authorities to address local vulnerabilities to climate risk and provide prioritised actions according to the principles of the National Adaptation Framework.

5.3. **Ministerial Guidelines**

Development Management Guidelines 2007

5.3.1. Section 7.8.3 Fire Conditions:

"…… fire safety can only be considered where it is relevant to the primary purpose of the Acts, namely the proper planning and sustainable development of the area. For example, fire safety considerations may arise in respect of

- *Fire service access for proposed development;*
- *Water supplies for fire fighting.*

Under no circumstances should a condition be included in a permission requiring that "the developer shall consult with and comply with the requirements of the Fire Officer" (or other words to that effect), whether or not such requirements are known at the time the decision is made. This kind of condition is objectionable in principle, and probably invalid. In some cases, it may become apparent from the information provided in the planning application that a proposed development would also require a fire safety certificate under the Building Control Regulations and, where this is made known to the planner, it may be appropriate to inform the applicant (e.g. by means of a cover letter with the planning decision).

Similarly, the information provided as part of a planning application may indicate that aspects of a proposed development could give rise to difficulties for the developer in

obtaining a fire safety certificate, and the planner may need to discuss with the applicant whether any design modifications should be made before a planning decision issues."

5.4. **Other National Policy & Relevant Guidance**

- National Development Plan Review 2025
- Electricity Storage Policy Framework for Ireland, 2024, (Updated June 2025)
- Ireland's Long-term Strategy in Greenhouse Gas Emission Reduction, 2023
- Ireland's Transition to a Low Carbon Energy Future 2015-2030
- National Renewable Energy Action Plan (NREAP), 2009
- Flood Risk Management Guidelines for Planning Authorities 2009
- Eastern/South Eastern River Basin Management Plan 2022–2027
- NFCC Guidance for Grid Scale Battery Energy Storage Systems (BESS) – Fire and Rescue Services, 2025
- SEAI - Battery Storage Manual of Consenting Procedures, 2025

5.5. **Development Plan**

Cavan County Development Plan, incorporating the Cavan Town Local Area Plan 2022-2028.

5.5.1. The site is located within a rural area outside of any settlement boundary as identified within the Cavan County Development Plan. The site is located within a rural area Under Strong Urban Influence as identified within Appendix 21 – Rural Area Types of the Cavan County Development Plan.

Chapter 5 – Climate Change

5.5.2. Climate Change Development Objective CC 01 outlines that it is a development objective of CCC to:

"Support the implementation and achievement of European, national, regional and local objectives for climate adaptation and mitigation as detailed in the following documents, taking into account other provisions of the Plan (including those relating to land use planning, energy, sustainable mobility, flood risk management and

drainage) and having regard to the Climate mitigation and adaptation measures which have been outlined through the policy objectives in this Development Plan:

- *Climate Action Plan (2019 and any subsequent versions).*
- *National Climate Change Adaptation Framework (2018 and any subsequent versions).*
- *Any Regional Decarbonisation Plan prepared on foot of commitments included in the NWRA RSES;*
- *Relevant provisions of any Sectoral Adaptation Plans prepared to comply the requirements of the Climate Action and Low Carbon Development Act 2015, including those seeking to contribute towards the National Transition Objective, to pursue, and achieve, the transition to a low carbon, climate resilient and environmentally sustainable economy by the end of the year 2050; and*
- *Cavan County Council Climate Change Adaptation Strategy 2019-2024".*

Chapter 7 – Transportation and Infrastructure

5.5.3. Section 7.9 relates to Electricity and outlines that the Planning Authority recognises the need for development and renewal of energy networks, in order to meet both economic and social policy goals.

5.5.4. The following Development Objectives are of relevance:

It is a development objective of Cavan County Council to:

- GE 01 Support and promote the sustainable improvement and expansion of the electricity transmission and distribution network that supply the county, subject to landscape, residential amenity and environmental considerations.
- GE 02 Support and facilitate the development of enhanced electricity and gas supplies and associated networks, to serve the existing and future needs of the County and to facilitate new transmission infrastructure projects.
- GE 03 Co-operate and liaise with statutory and other energy providers in relation to power generation in order to ensure adequate power capacity for existing and future business and enterprise needs of the County.

- GE 04 Ensure that energy transmissions infrastructure follows best practice with regard to siting, design and environmental impact and landscape protection.
- GE 07 Support the reinforcement and strengthening of the electricity transmission network with particular reference to the North South Interconnector.
- GE 09 Support the necessary integration of the transmission network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner.

Renewable Energy

5.5.5. Section 7.10 of the Plan relates to Renewable Energy and outlines that it is a policy of this plan to support sustainable energy sources and locally based renewable energy alternatives where such development does not have a negative impact on the surrounding environment including landscape, water, biodiversity, natural or built heritage or local amenities.

5.5.6. The Plan outlines that: *"Rural areas have the potential to be harnessed for renewable energy projects – including wind, hydro and solar energy"* and states that *"the Council will support renewable energy projects in rural areas subject to considerations including the need to protect landscape sensitivities, residential amenities, views or prospects, public rights of way, wildlife, habitats, special areas of conservation, protected structures, bird migration paths etc".*

5.5.7. The following Energy Development Objectives are of relevance:

It is a development objective of Cavan County Council to:

- EDO 01 Promote energy conservation, increased efficiency and growth of locally based renewable energy alternatives, in an environmentally and socially acceptable and sustainable manner and having particular regard to the requirements of the Habitats Directive.
- EDO 02 Require renewable developments to include for assessment the following which will be the criteria that will be taken into account:
    - The proper planning and sustainable development of the area

- The environmental and social impacts of the proposed development
- Traffic impacts, including details of haul routes
- Impact of the development on the landscape, having regard to the Landscape Categorisation/ Characterisation or any updated version thereof.
- Impact on protected scenic views
- Impact on walking/cycling routes and public rights of way
- Connection to National Grid (where applicable)
- Mitigation measures where impacts are identified
- Protection of designated areas, - NHAs, SPA's and SAC's, areas of archaeological importance, national monuments, protected structures, ACAs etc.
- Cumulative impact of the proposed development

- EDO 06 Facilitate proposals for energy storage systems and infrastructure, which support energy efficiency and reusable energy systems, provided such proposals accord with the principles of proper planning and sustainable development of the area.

Chapter 8: Environment, Water and Drainage

5.5.8. Section 8.3 relates to Water Quality this outlines that: *"The Council is responsible for maintaining, improving, enhancing and protecting the ecological quality of all waters in the County, by implementing pollution control measures, licensing of effluent discharges, implementing and monitoring compliance with environmental legislation"*.

5.5.9. The following Water Development Objectives are of relevance:

- W 02: Ensure that in assessing applications for development, consideration is given to the impact on the quality of surface waters having regard to targets and measures set out in the River Basin Management Plan for Ireland 2018-2021 and any subsequent local or regional plans.

- W 03: Ensure that development would not have an unacceptable impact on water quality and quantity including surface water, ground water, designated source protection areas, river corridors and associated wetlands.

Chapter 10 Natural Heritage

5.5.10. Section 10.6 of the Development Plan relates to Natura 2000 sites. Development Objective for Designated Sites include:

- NHDS 1: Protect and conserve Special Areas of Conservation, Special Protection Areas, Natural Heritage Areas and proposed Natural Heritage Areas
- NHDS 4: Ensure an Appropriate Assessment (AA) in accordance with Article 6(3) and Article 6(4) of the Habitats Directive, and in accordance with the Department of the Environment, Heritage and Local Government Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, 2009 and relevant EPA and European Commission guidance documents, is carried out in respect of any Plan or Project likely to have significant effect on a Natura 2000 site(s), either individually or in combination.

5.5.11. Section 10.14 relates to Landscape and Amenity Areas. The Plan outlines that there are 5 main landscape character areas within the County, namely: 1. Cuilcagh-Anierin Uplands of West Cavan; 2. The Lakelands; 3. Lake Catchments of South Cavan; 4. Drumlin Belt and Uplands of East Cavan; 5. Highlands of East Cavan.

5.5.12. The proposed development site is located within the 'Lakeland' landscape character area as identified within Appendix 14 of the CCDP. This area is described as *"an extensive area of inland lakes within the Erne drainage system. This area lies in West Cavan and encompasses the Belturbet to Butlersbridge area extending south to Killeshandra, Arva, Lough Gowna and Ballinagh"*

5.5.13. The following Development Objectives for Landscape Character Areas are of relevance:

- LC 1: Ensure the preservation of the unique landscape character type by having regard to the character, value and sensitivity of a landscape when determining a planning application.

5.5.14. Section 10.20 of the Plan relates to Scenic Views and Viewing Points and outlines that there are 17 scenic viewing points in the County which are of significant landscape value as per Appendix 16. The protection of these viewing points is important when considering proposals for development.

5.5.15. Appendix 16 of the Plan identifies Scenic Viewing Points and Scenic Routes Map. There are no scenic routes or scenic viewing points within the vicinity of the site.

Chapter 12- Rural

5.5.16. Section 12.13.2 of the Development Plan relates to Rural Housing. Section 12.13.2.1 of the Development Plan relates to Rural Area Types and identifies the following 3 rural area types in the County: 1. Areas Under Strong Urban Influence, 2. Stronger Rural Areas, 3. Structurally Weak Areas.

5.5.17. The site is located within a rural area Under Strong Urban Influence as illustrated within Appendix 21 – Rural Area Types of the Cavan County Development Plan. The Plan outlines the following in respect of Areas Under Strong Urban Influence:

These areas are located around Cavan Town and in the South East of the County and exhibit characteristics such as:

- *Proximity to the immediate environs or close commuting catchment of Cavan, Navan and the Greater Dublin Area.*
- *Rapidly rising populations.*
- *Evidence of considerable pressure for housing development due to proximity to such urban areas or to major transport corridors with ready access to urban areas.*
- *Pressures on infrastructure such as local road networks, water supply etc.*

Cavan County Council Climate Action Plan 2024-2029

5.5.18. The Cavan County Council Climate Action Plan 2024-2029 was adopted by CCC in February 2024. The primary goal of this plan is to ensure a sustainable future for the people of Cavan while creating a low-carbon, resilient county.

5.5.19. Table 3.2 of the Plan sets out Environmental Governance Principles.

5.5.20. EG 3 seeks to: "*Ensure all development underpinned or supported by climate action is planned and implemented in a manner that appropriately considers the potential*

for environmental co benefits, potential environmental impacts and environmental protection requirements. No climate action related development project that is likely to have a significant negative effect on the receiving environment shall be supported".

5.6. Natural Heritage Designations

5.6.1. The appeal site is not located within any designated European site. The nearest designated European sites to the appeal site, including SAC's and Special Protection Areas (SPA's) include the following:

- Lough Oughter and Associated Lough Proposed Natural Heritage Area (Site Code 000007) – 5km northwest.
- Drumkeen House Woodland pNHA (Site Code 000980) – 4km northwest.
- Lough Oughter and Associated Loughs SAC (000009) – 5km northwest.
- Lough Oughter Complex SPA (004049) – 6km northwest.

6.0 EIA Screening

6.1. An Environmental Impact Assessment Screening Report (EIASR) submitted in support of the application. An Updated EIASR (dated February 2026) was submitted in response to the Commission's request for further information. The EIASR outlines that BESS is not listed as a class of development for the purposes of EIA under Part 2 of the Fifth Schedule, within the Planning and Development Regulations, 2001 (as amended). In this regard, a requirement for preliminary examination or EIA does not arise for this type of development.

6.2. It is noted that rural restructuring is listed as development for the purposes of Part 10 under the heading of Agriculture, Silviculture and Aquaculture, Class 1 of Part 2 of the Fifth Schedule, with the following stated under subsection (a) 'Projects for the restructuring of rural land holdings, undertaken as part of a wider 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.

6.3. The proposed development includes approximately 195m of hedgerow to facilitate sightlines. This proposed removal of hedgerow is significantly below the EIA threshold of 4km.

6.4. The development will also include the reprofiling of the application site to provide a level platform for the BESS compound. The footprint of the BESS compound extends to an area of 1.17ha and minor additional reprofiling will occur at the edge of the compound for landscaping and reinstatement purposes collectively the footprint of the area to be reprofiled will not exceed 5ha.

6.5. The applicant has submitted Schedule 7A information as detailed in the EIA Screening Report. The applicant's EIA Screening Report concludes the following:

- *The proposed development is not of a type, scale or threshold as set down in Schedule 5 of the Planning and Development Regulations 2001 (as amended) where an EIA would be mandatory, and*
- *The development will not give rise to impacts of a magnitude which, on its own or cumulatively, could cause a likely significant effect on the environment as assessed using the evaluation criteria set down in Annex III of the EIA Directive.*

Therefore, this Screening Report concludes that an EIA, and the submission of an EIAR, is not required in this instance.

6.6. The proposed development has been subject to a Screening Determination for environmental impact assessment (refer to Appendix 1 Pre-screening and Appendix 2 EIA Screening Determination of this Inspector's Report).

Consideration of Other Classes

6.7. The appeals on the application contend that an EIA is required for the development under Schedule 5 Part (2) Paragraph 3 (a), (b) and (c) namely:

Energy Industry:

(a) Industrial installations for the production of electricity, steam and hot water not included in Part 1 of this Schedule with a heat output of 300 megawatts or more.

(b) Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead

cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more

(c) Installations for surface storage of natural gas, where the storage capacity would exceed 200 tonnes.

6.8. The applicant's response to the grounds of appeal notes the following in this regard:

- 3 (a) - the proposed development does not produce electricity, steam or hot water.
- 3 (b) – the proposed development does not carry gas, steam and hot water.
- 3 (c) – the proposed development does not provide for storage of natural gas.

6.9. I am satisfied that the proposed BESS development does not fall within the scope of Schedule 5 Part 2 Paragraph 3.

6.10. Schedule 5, Part 2, Class 10 (dd), of the Planning and Development Regulations, 2001, as amended, requires EIA for all private roads which would exceed 2000m in length. The proposed development includes the laying of access tracks. There is a clear distinction between access tracks and roads for the purposes of the EIA Directive, with the Directive only applying to the latter. It is not considered that the internal access tracks serving the proposed facility would constitute 'private roads'.

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. 4 no. third party appeals were submitted in respect of Cavan County Council's notification of decision to grant permission for the development. Appeals were received from the following:

- Thomas Reilly
- Nancy Conaty
- Lorraine and Martin McGovern
- Derek and Amanda Grant

7.1.2. Similar concerns are raised within the appeals. In order to avoid undue repetition within the report the appeals are summarised by issue raised. The following provides a summary of the key points raised.

Insufficient Information within Application

- Absence of Design Details and specifications for the proposed BESS. No details of manufacturer or specific battery unit is provided. The proposal is a speculative and highly hazardous and unsustainable development with a huge carbon footprint.
- Lack of water supply.
- Insufficient detail is provided in relation to the siting, specification and separation distances between containers.
- The appeals question the accuracy of the application documentation including the traffic, noise and ecology reports.
- The storage capacity of the development is unclear. The appeals refer to advice from Edmund Fordham Physicist and Scientific advisor, attached as an appendix to the appeals, which raises concern in relation to the undefined storage capacity. This correspondence outlines that the reference to 108 MW relates to a unit of power rather than a unit of energy.

Lack of Public Consultation

- The appeals outline that the Arhaus Convention has been disregarded in terms of residents right to participate in the decision-making process. It is stated that the Planning Authority (PA) are industrialising the area without public consultation.

Failures of Cavan County Council

- The appeals outline that the PA decision ignores the concerns raised by the Chief Fire Officer. The PA did not seek technical advice on the application.
- The impact on human health, social impacts and the enjoyment of amenity is not assessed by Cavan County Council.

- Failure to notify relevant bodies – HSA, Eirgrid, Commissioner of Energy Regulation, HSE Department of Public Health, Department of Housing Local Government and Housing, ESB, Uisce Eireann.

Fire Risk

- The appeals raise significant concern in relation to fire risk associated with the proposal particularly in the context of the proximity of the development to schools and residential areas. The area isn't sparsely populated. There are 2 schools and a nursing home within 1.5km. Concerns are raised is relation to toxic gas emissions in the event of failures at the facility.
- The appeals are accompanied by a number of technical reports relating to fire risk associated with BESS developments. The appeals cite examples of and attach articles on instances of fire events at BESS sites.
- The appeals outline that insufficient information is provided within the application in relation to fire risk. No fire protection and mitigation strategy has been provided or emergency strategy for residents. No information provided in relation to fire suppression lack of pre incident planning. The appeals cross refer to the report from Dr. Paul Christensen which outlines that in the absence of clarification of the type of batteries it is impossible to plan for an emergency.
- The appeals outline that Lithium-ion batteries pose a serious off-site public health and safety risk associated with malfunction leading to thermal runway, vapour cloud explosion, toxic gas, plume and fire. The appeals raise concern in relation to the lack of an independent regulatory body to provide oversight of these facilities to ensure public health and safety is upheld. The appeals refer to correspondence from HSA and EPA which illustrate detachment from oversight of BESS.
- The appeals raise concern in relation to Thermal Runway (TR) events at BESS site which result in the release of toxic gases and Combustible Vapour Cloud Explosion (VCE). The appeals cross refer to articles attached as appendices including Energy Storage Review Article which detail the gases released during TR events. It is stated that these are not compatible with

human health. Residential dwellings in the area would be impacted by downwind Vapour Cloud.

- The appeals outline that CCC have accepted the assertions within the application documentation which state the Lithium-ion batteries pose 0% risk of explosion. There is no evidence to support this. The developer has not carried out explosive atmosphere testing to prove their assertion. The appeals refer to the report attached from Dr. Paul Christensen, fire safety consultant, which outlines that failure at LIB plants cannot be eliminated. The appeals refer to UK NFCC guidance which outline that in the lifetime of BESS there will be at least one fire event.
- The appeals refer to the layout of the development and outline that it includes back-to-back batteries and no hardstanding for fire personnel. National Fire Chief Council guidance recommends that batteries are 6m apart.
- The appeals refer to the proposed provision of a NOVEC fire suppression system (namely the provision of fire extinguishers in containers beside batteries) and outline that fire extinguishers will not work with Thermal Runway events in batteries and make the likelihood of VEC more probable. This was the system in place at the Liverpool BESS explosion event.
- The appeals raise concern in relation to the remote monitoring of the BESS facility and delays in notification of first responders. The appeals refer to the report from Dr. Paul Christensen which outlines that on site presence is required to advise fire personnel on the efficacy of the firefighting operation.
- The appeals raise concern in relation to the capacity of the Fire Service to deal with a BESS fire event. Cavan Fire brigade is under resourced and fire officers aren't trained for BESS fire event.
- No Fire Officer's report was prepared in respect of the applicant's FI response.

Lack of Proposals for Water

- The appeals raise significant concern in relation to the lack of proposals for water to deal with a fire event. No proposals are included for fire hydrants.

NFCC guidance outlines that fire hydrants must be provided on site and a water capacity of 1,900 litres per minute for 2 hours.

- The appeal outline that the conditions attached to Cavan County Council's notification of decision to grant permission for the development and outline CCC failed to incorporate a condition relating to water as advised by the Chief Fire Officer. Condition no. 4 refers to relevant fire safety but doesn't refer to water. The appeals outline that it is not acceptable to proposals for water supply are addressed post permission.
- The appeals refer to the lack of consultation with Irish Water in respect of the proposal. The appeals outline that the area is served by Cavan Mains Water Supply and state that there are disruptions to the domestic water supply issues in the vicinity of the development.
- The appeals refer to an email from the CFO in Cavan County Council 1st of December 2023 which advises a pump type appliance for water. This does not appear in the decision.
- The appeals refer to and attach a High Court Order of Certiorari Ref: 2022 1028 JR to quash the decision of An Bord Pleanála under ABP Ref: 310841-21 for a lithium-ion battery storage facility at Dunnstown, Co. Kildare. In this instance the report from the Chief Fire Officer in Kildare County Council outlined that the lack of water is unacceptable due to the fact that international testing has shown that gaseous systems don't have the ability to cool a fully involved battery fire. The judgement outlines that the Board failed to "adequately engage with the submissions made to it concerning water supplies for firefighting, including the report of Dr Paul Christensen, fire safety consultant, submitted on behalf of the applicants".
- The appeals outline that similar considerations apply in the instance of the proposal. A copy of the report from Paul Christensen is submitted in conjunction with a number of appeals.

Impact on Water Quality

- The appeals raise concern in relation to impact of firewater pollution the Annagelliff River and associated wildlife. The watercourse is connected to designated Lough Oughter Natura 2000 sites.
- The appeals attach and refer to the High Court Order of Certiorari Ref: 2022 1028 JR to quash the decision of An Bord Pleanála under ABP Ref: 310841-21 for a lithium-ion battery storage facility at Dunnstown, Co. Kildare. The decision refers to failings in the appropriate assessment undertaken by the Board. The appeals outline that similar considerations apply in the instance of the proposal.

Traffic Impact, Emergency Access & Impact of Construction Phase

- The appeals outline that the road network in the vicinity of the site is unsuitable to accommodate Construction and Emergency Vehicle access associated with the development. The road is narrow and reduces to single vehicle width at the bridge and in the vicinity of the Shankill sub-station. The road is defined by blind spots and bad bends. The RSA doesn't address the condition of the road.
- The appeals outline that the road network in the vicinity requires upgrading to facilitate the development. The road network won't facilitate the passing of 2 HGV vehicles or emergency vehicles. The road would slow down emergency vehicle access from the N3 in the instance of an incident on site and constitutes a road hazard.
- Construction traffic would be constant noise and disturbance nuisance to walkers and cyclists in the area.
- The RSA underestimates traffic volumes on the L 2035. The route is used as an alternative to the N3.
- Conflicting dates are cited within the RSA (13/06/23 cited for traffic survey in report, appendix refers to 30/06/23). The survey was undertaken in June and doesn't give a true reflection of traffic volumes in the area.
- Access to and within the site is inadequate and not in accordance with NFCC guidance. The appeals refer to the report from Paul Christensen which

outlines that a circular access route is required to deal with a fire event and the NFCC guidance.

- Access to properties in the vicinity will be blocked by construction traffic. The appeals question the accessibility of the site during a fire event the access gate to the development will be locked.
- Impact of works and traffic disruption associated with the installation of a power cable along the L2035 to connect to Shankill substation.

Impact on Residential Amenity

- The appeals raise concern in relation to the impact of the development on residential amenity and natural amenity in terms of noise, light spillage and safety associated with the development.

Noise Survey

- The appeals raise concern in relation to construction and operational noise associated with the development.
- The appeals raise concern in relation to the scope and content of Environmental Noise Assessment submitted in conjunction within the application. In this regard it is stated that the baseline noise survey was taken at a location close to the L2035 and Top Road and is influenced by traffic noise and the units used to control temperature are not identified as a source of operational noise.

Impact on Ecology, Wildlife and Tourism

- Ecology Surveys were undertaken in a limited timeframe (April) which restricts opportunities to get a full picture of species/habitats in the area.
- The appeals outline that the proposal would have huge effects on the environment, water and agriculture.
- The appeal raise concern in relation to the impact of the development on tourism and recreation

Impact on Visual Amenity

- The appeals outline that the development would have a negative visual impact on the rural and agricultural landscape and is incompatible with existing development in the area.
- Limited viewpoints taken within the visual impact assessment.
- Residents on elevated sites would experience loss in visual amenity.
- The removal of the hedgerow to facilitate access and sightlines and proposed boundary treatment including a 3m high security fence would result in a loss of visual amenity of the rural area.

COMAH Regulations

- Cavan County Council accepted the developers' opinion that the proposed lithium-ion BESS facility falls outside the scope of HSA or COMAH.
- The appeals refer to advise from Dr. Edmund John Fordman physicist and engineer which outlines the following:
    - Batteries present as explosive articles (COMAH) if tested. No testing has been carried out.
    - The batteries on this size of plant are Flammable electrolytes under P5b Physical Hazard and in Part 1 of the COMAH Schedule.
    - Highly toxic hydrogen Fluoride will emit from containers when there is a loss of control event on the site.
    - Irish regulations would require explosive atmospheres assessment to protect employees. There is no reference to testing in the Council's conditions.

Validity of Application

- Site Notice not legible from the public road.
- Plans and Particulars not in accordance with Articles 16-23 of the Regulations.
- Layout deficiencies do not facilitate a full assessment.
- The FI response was no deemed significant and readvertised.

Material Contravention and No compliance with Cavan County Development Plan

- The appeals outline that the appeal site is located within an unzoned rural area and not within an area zoned for heavy industry. The appeals question the suitability of the site to accommodate the development. It is stated that the development is more suited to an industrial estate.
- The appeals outline that the development is contrary to a number of provisions of the Cavan County Development Plan: GE 04, EDO 01 and EDO 02.

Contrary to Climate Action Plan and Development Plan Policy

- The appeals outline that the proposal is contrary to EG 3 Cavan County Council Climate Action Plan which seeks to: *"Ensure all development underpinned or supported by climate action is planned and implemented in a manner that appropriately considers the potential for environmental benefits, potential environmental impacts and environmental protection requirements. No climate action related development project that is likely to have a significant negative effect on the supporting environment shall be supported".*

Project Splitting and Requirement for EIAR

- The development is deemed to be of a class Schedule 5 (2) Paragraph 3 (a), (b) and (c).
- Requirement for Sub Threshold EIAR.
- Cumulative Impact to be assessed with substation and power lines.

Prematurity

- The development is deemed premature in the absence of a sub-station and kilovolt line permission to connect the development to the grid.
- The appeals outline that the development is speculative and premature pending a central oversight body and publication of an electricity storage framework policy.

Conditions

- The appeals outline that the conditions attached to the permission are vague and question their enforceability in the absence of a lack of detailed design.
- The appeals refer to the guidance set out within Section 7.8.3 of the Development Management Guidelines which advise that under no circumstances should a condition be included in a planning permission requiring a developer to comply with the requirements of the fire officer. The appeals refer to the requirements of condition 4 of the permission in this regard.
- The appeals question the enforceability of Condition no. 15 which relates to implementation of mitigation measures as detailed within the application documentation.
- The conditions are deemed to be contrary to the Development Management Guidelines for Planning Authorities (Sections 7.8.3- Fire conditions, 7.3.3.- conditions should be enforceable, 7.3.4 conditions should be precise)

Appropriate Assessment

- The appeals outline that the AA Screening is not in accordance with Directive 92/43/EEC.
- Conservation Objectives for Natura 2000 sites are not identified and this invalidates the application.

Appeal Attachments/ Appendices

- The appeals are accompanied by a number of technical Appendices, guidance and articles including those listed below. I have considered the contents of same within my assessment.
    - Notes from Review of Gas Emissions from Lithium-ion battery thermal runway failure – Considering toxic and flammable compounds – Review Article Journal of Energy Storage 87 (2024)
    - National Fire Chief Council – (NFCC) Grid Scale Battery Energy Storage System Planning – Guidance for FRS
    - Engineering Failure Analysis – Beijing April 2021 case study
    - Key Challenges for Grid Scale Lithium-Ion Battery Energy Storage

- High Court Order JR 2022 1028 JR
- Images of Road Network in the vicinity of the site
- Copy of Ministerial Questions
- Report from Dr. Paul Christensen entitled “Report on the planning application by Strategic Power Projects Limited” dated 11/08/2021 prepared in respect of a Lithium -ion BESS proposal at Dunnstown, Co. Kildare.
- Extract from BESS Failure Event Database
- Hazard Assessment of Battery Energy Storage Systems by Atkins Ltd. – Technical Note

7.2. Applicant Response

7.2.1. The applicant provided a response to the issues raised within the grounds of appeal. The following provides a summary of the appeal response:

Insufficient Information within Application

- The appeal response outlines that many of the concerns raised relate to the safe operation of the development and insufficient information within the application to allow the Planning Authority to assess same. The appeal response refers to Cavan County Council’s request for further information and the detailed documentation submitted by the applicant in response to same. The applicant refutes the assertion that the Planning Authority and Fire Officer had insufficient information upon which to undertake an assessment of the development and reach a decision to grant permission.

Lack of Public Consultation

- The appeal response outlines that the application was submitted in accordance with the provisions of Section 34 of the Planning and Development Act 2000 (as amended). There is no requirement for the applicant to engage in public consultation prior to the submission of the planning application. Interested parties have the opportunity to make

submissions on the application at an early stage in the process and further at appeal stage.

Siting and Specifications of Containers

- The appeal response refers to the grounds of appeal which states that battery containers should be placed a minimum of 6 meters apart. The response outlines that while the final design, model and manufacturer of the BESS has not been selected the proposal was designed in consultation with battery energy storage system (BESS) designers and suppliers of the BESS equipment. The implementation of a 3m separation distance between BESS containers accords with safety and design requirements of all BESS container manufacturers.
- The appeal response outlines that the proposed development accords with the requirements of Section 5.2.4 of the Fire Safety Technical Guidance Document B which provides specification relating to the accessibility of sites for pumping appliances. The proposal has therefore had regard to and been designed in accordance with, fire-fighting requirements.
- The appeal response outlines that while the type and manufacturer of the BESS has not been selected the applicant can confidently predict the type of fire identification and suppression systems likely to be installed. The appeal response cross refers to the details set out within the application documentation and FI response in this regard.

Proposed Remote Monitoring & Delays in Notification to First Responders

- The appeal response outlines that BESS installations do not require personnel to be present at all times. The operation of the proposed development can be supervised and managed at an off-site control centre. The operation of the facility will be continuously monitored with parameters such as electrical current, voltage, temperature and operational efficiency being recorded.
- Regular on-site maintenance activities will be undertaken in accordance with manufacturer specifications to ensure the safe and efficient operation of the development.

Need for Heat Suppression of Batteries and Inefficiency of Fire Suppression

- The appeal response cross refers to Section 3.6 of the Planning and Environmental Report submitted in conjunction with the application which outlines that each BESS container will incorporate a high degree of thermal insulation. This outlines that battery modules (cells) will be insulated from its neighbouring cell, while each rack of modules/cells will be insulated from the next rack. Consequently, should a fire event occur in a particular cell or rack, the fire and heat will not be capable of penetrating the insulation and affecting any neighbouring cells.
- The BESS will also include deflagration panels which in the event of a fire will open to allow for the dispersal of heat and avoid a build-up in the affected BESS container.

Requirement for Fire-fighting personnel

- The appeal response outlines that the applicant undertook significant engagement with Cavan County Council in relation to fire-fighting requirements at the site in the event of a fire. It is stated in the event of a fire that the most appropriate action is not to intervene and allow the design features of the container act to suppress the fire; the fire service may be required to intervene to prevent the spread of fire to adjoining containers. The spread of fire is prevented by spraying water onto adjoining BESS containers to provide cooling effect.
- The applicant will engage in consultation with the Fire Service prior to commencement of development and prepare a Fire Safety Risk Assessment which will detail responsibility and procedures in the event of a fire and all matters relating to fire certification. In the event of a fire, the site management team will immediately notify the emergency services in accordance with the notification procedures of the Fire Safety Risk Assessment to be agreed with the Planning Authority.
- Specific details on the on-site firefighting system will be agreed with the fire service.

Risk of Explosion

- The appeal response cross refers to the information in the Planning and Environmental Report which outlines that the avoidance of a build-up of gases will allow for localised venting of heat and gases thus avoiding a risk of explosion.

Requirement for Fire Hydrants

- The appeal response cross refers to the applicant's response to Item 1 of CCC's request for further information which outlines that a specific fire-fighting system was not prepared or detailed on the planning drawings due to the continued evolution of BESSs and the approach to fire-fighting. The applicant is committed to the installation of a firefighting system, the detail of which will be subject to agreement with the Planning Authority prior to the commencement of development.
- The appeal response cross refers to the details set out within the applicant's FI response in relation to the operation of the on-site drainage system and the site attenuation system which has been designed in accordance with industry standards to ensure sufficient capacity is available to accommodate waters arising from any fire suppression requirements.
- The appeal response cross refers to a decision by the Board (ABP Ref: 3152485-23) wherein the Board granted permission for a similar development subject to conditions including the agreement of details relation to the provision of water for fire-fighting purposes with the Planning Authority. The applicant would welcome a similar condition in the instance of a grant of permission.

Lack of Proposals for Water

- The appeal response outlines that the proposed drainage and attenuation system has been designed in accordance with industry standards and to ensure that sufficient capacity is available to accommodate waters arising from any fire suppression requirements. The appeal response refers to the requirements of Condition no. 4 of CCC's decision to grant permission which

outlines that fire suppression and firefighting must be agreed with the Planning Authority prior to the commencement of development.

Traffic Impact, Emergency Access & Impact of Construction Phase

- The appeal response refers to the assertion within the appeals that traffic volumes on the L2035 associated with the development are understated. The appeal response outlines that traffic volumes associated with the development will not be significant either at construction or operational phase.
- In the event of an emergency, emergency vehicles will access the site via the local road network. The BESS is located c.350m from the local road and in the event of a fire emergency vehicles will not be required to park on the adjoining road network. In this regard the appeal outlines that no traffic hazard arises. Within the compound the proposed equipment has been laid out to ensure ease of access through the site for all vehicular traffic, including emergency services.
- The drainage system and attenuation system on site has been designed in accordance with industry standards.
- The appeal response cross refers to the Planning and Environmental Report (Section 5.9.4) which sets out traffic management measures and the Construction Traffic Management Plan.
- The appeal response outlines that a construction phase of 18 months is envisaged. During this time average HGV vehicles per day will be 2. The appeal outlines that construction traffic will be managed in accordance with a Construction Traffic Management Plan.

Prematurity Pending Grid Connection Infrastructure

- The appeal response outlines that the proposed development's attendant grid connection infrastructure shall be subject to a separate consenting process.
- The appeal response outlines that the proposal is not premature in the absence of accompanying grid connection infrastructure. The response refers to requirement for consultation with EirGrid or ESB networks. These bodies normally will not engage with applicants until a substantive part of the

development has been granted planning permission. The appeal response outlines that the approach adopted is regularly accepted by Planning Authority's and An Bord Pleanála.

- The appeal response outlines that the issue of cumulative impact is addressed within the P & E report submitted in conjunction with the application. The applicant undertook a cumulative assessment of the proposed development in combination with all existing, permitted and proposed development including the future grid connection. Cumulative traffic Impacts are identified to result in direct, indirect, slight-imperceptible effects of a short-term duration.

COMAH Regulations

- The appeal response outlines that the proposed development is not of a type or category of development to which the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations (S.I. No. 209 of 2015). These Regulations relate to developments/establishment which present a major accident hazard due to the presence of dangerous substances in quantities that exceed specified thresholds. Notwithstanding this, it is stated that the proposed development will be operated strictly in accordance with manufacturer specifications and in accordance with the highest health and safety standards.

Appropriate Assessment

- In response to the assertion of the appeals that CCC failed to undertake an Appropriate Assessment of the development, the applicant outlines that this is addressed in the planner's report which informs the decision of CCC to grant permission for the development.

Validity of Application

- The appeal response outlines that the planning application was submitted in accordance with the requirements of the Planning and Development Regulations 2001 (as amended) ("the Regulations") and was deemed valid by Cavan County Council.

Material Contravention of the Cavan County Development Plan (CCDP 2022-2028)

- The appeal response outlines that the development accords with the vision of the Cavan County Development Plan 2022-2028 which seeks to "transition to a low carbon, competitive, climate resilient and environmentally sustainable County".
- The appeal response outlines that the development is in accordance with Section 7.10 and Objective EDO 06 of the CCDP. In this regard, it is stated that a material contravention of local policy does not arise.

Project Splitting and Requirement for EIAR

- The appeal response outlines that the proposed development does not fall within a class of development listed as either Part 1 or Part 2 of Schedule 5 and a mandatory EIAR is not required in this instance. It is stated that the appellant's assertion that the proposed development falls within the EIA category of Schedule 5, Part 2, Paragraphs 3(a), (b) and (c) is incorrect. The appeal response notes the following in this regard:
  - 3 (a) - the proposed development does not produce electricity, steam or hot water.
  - 3 (b) – the proposed development does not carry gas, steam and hot water.
  - 3 (c) – the proposed development does not provide for storage of natural gas.
- The appeal response refers to the EIA Screening submitted in support of the application which outlines that significant effects on the environment were not likely, and therefore, the preparation and submission of a sub-threshold EIAR was not required.
- The appeal response outlines that given that the EIA Directive does apply the issue of project splitting similarly doesn't apply. The response refers to the judgement of O' Grianna & ORS. v's An Bord Pleanála [2014] IEHC 632 relating to the issue of project splitting.

Visual Impact of Proposal

- The appeal response outlines that the proposal would have a imperceptible/neutral visual impact as detailed within the Landscape and Visual Impact Assessment and illustrated within the Photomontages submitted in conjunction with the application.

Impact on Amenity and Wildlife

- The response refers to the grounds of appeal in relation to light pollution, noise, safety concerns and impact on wildlife. In this regard it is stated that security lighting will be provided in extremely rare occasions when security is required to visit the site during night-time hours. All lighting will be directed inward towards the compound and cowled to avoid any illumination of third-party lands and adjacent hedgerows.
- The appeal response cross refers to the Noise Impact Assessment submitted in support of the application which outlines that the development will not have any significant noise effects. In response to the issues raised within the appeal in relation to the methodology of the submitted noise report (ambient and background levels of noise are cited as higher than existing) the appeal response outlines that noise prediction modelling was carried out in accordance with relevant guidance and methodologies.
- The facility will be operated in accordance with safety standards.
- Impacts on wildlife, ecology and ecological receptors are addressed within the Ecological Appraisal and Screening for Appropriate Assessment. The Ecological Assessment found that significant effects are unlikely to occur. In terms of the points raised within the appeal in relation to the timing of the ecological surveys the appeal response outlines that the assessment provides a high-level survey of the site. Pre- construction surveys are recommended within the Ecological Assessment.
- The AA Screening found that the development does not pose a risk of significant effects on the conservation objectives or integrity of Natura 2000 sites.

Conclusion

- The Commission is requested to uphold the decision of the Planning Authority and grant permission for the development. The appeal response refers to the national imperative for Ireland to achieve its binding 2030 renewable energy and emissions reductions targets and outlines that the appeal site is suitable for the nature of development proposed. The site is located in proximity to the existing Shankill electrical substation thus avoiding the requirement for extensive interconnecting infrastructure.
- The development is deemed to be in accordance with the proper planning and sustainable development of the area.

7.3. **Planning Authority Response**

Cavan County Council provided a response to the grounds of appeal. The Planning Authority's report provides a summary of the grounds of appeal and outlines that the matters raised were addressed under the original planning application as contained in the Planner's Report (dated 25/03/2025). The Commission is requested to uphold the decision of the Planning Authority to grant permission for the proposed development.

7.4. **Observations**

2 no. Observations on the appeals were submitted. The following provides a summary of the key issues raised:

Observation from Lorraine and Martin Mc Govern (20/05/2024)

- The application of the COMAH/Seveso Directive to battery energy storage sites has not been considered.
- The observation attaches a copy of the response by Minister Eamon Ryan on the 16th of April 2024 to Parliamentary Questions. The observation outlines that the application should be refused on grounds that it was not considered subject to COMAH/Seveso Directive.
- The observation also attaches correspondence from the EPA and Commission for the Regulation of Utilities. The correspondence from the EPA

outlines that the EPA did not make a submission/observation on the development as it is not a licensable activity under the EPA Act 1992 as amended or the Waste Management Act 2000 as amended. The correspondence from the Commission of the Regulation of Utilities confirms that the CRU does not have a safety remit in the area of battery energy storage.

Nancy Conaty (16/05/2024)

- The observation attaches Minister Eamon Ryan's response to Parliamentary Questions on the 16th of April 2024. It is stated that this confirms that states that COMAH Regulations do apply to BESS, and the relevant agencies deny their role in these applications.

8.0 Section 132 Notice - Further Information

8.1. Background

8.1.1. Having reviewed the application documentation, planning authority reports and decision and the contents of the appeals, I considered that there were information deficiencies within the application in relation to a number of aspects of the development including the nature and characteristics of the development, proposed grid connection, fire risk, firewater proposals and potential environmental impacts associated with the run-off of firewater.

8.2. Further Information Request

8.2.1. A request for further information, in accordance with Section 132 of the Planning and Development Act 2000 (as amended), was issued to the applicant by the Commission on the 6th of November 2025. The following provides a summary of Items raised:

1. Clarification in relation to (a) the status of the substation/Transformer Compound referred to within the application (b) the proposed method of connecting the proposed BESS to the electricity grid.
2. Clarification in relation to the specific design, battery chemistry and specifications of the proposed Battery Energy Storage System (BESS) development and supporting infrastructure.

3. Clarification in relation to the reference to a request for Design Flexibility having regard to the requirements of Section 32H of the Planning and Development Act 2000 as amended.

4. Further information in relation to the fire risk strategy for the site including the following: (a) submission of a Fire Risk Management Plan (FRMP), (b) submission of an Emergency Response Plan (ERP), (c) drawings illustrating separation distance and breaks provided for and to be maintained from the surrounding forest.

5. Further information in relation to firefighting water including (a) details of how permanent firefighting water will be provided in accordance with the specification set out within UK National Fire Chief's Council (NFCC) Grid Scale Battery Energy Storage System Planning - Guidance for the FRS (Fire & Rescue Services), which states that provision should be made for BESS units to provide 1,900 litres of water for 2 hours, as a minimum (b) details of how fire-fighting water will be sourced and / or retained within the proposed development site (c) liaise with Uisce Éireann in relation to any proposed connection to the public water supply.

6. Submit a revised Surface Water Drainage Plan and Strategy for the site which addresses (a) a detailed methodology for fire water storage management along with any proposed mitigation measures (d) details and drawings of the proposed culvert to the Annagelliff River (c) considers the proposal in accordance with the requirements of the Water Framework Directive.

7. Submission of detailed drawings of the proposed sight entrance and associated drawings and a Construction and Environmental Management Plan.

8. Submit a revised Appropriate Assessment Screening report, which includes a detailed description of all elements of the proposed development (including the proposal to culvert the existing watercourse on site) and assess the potential for significant effects arising from the proposed development on European Sites located within the Zone of Influence of the project, including the Lough Oughter and Associated

Loughs SAC (site code: 000007) and the Lough Oughter SPA (site code: 004049).

9. Submit a revised Environmental Impact Assessment Screening Report which considers whether the proposal may comprise a class for the purposes of EIA in respect of Class 1 (a) of Part 2, Schedule 5.
10. Revised drawings/application documentation which reflect any changes resulting from a response to the items of further information.

8.3. Applicant's Response to Further Information Request

8.3.1. The applicant submitted a response to the Section 132 request on the 6th of February 2026. The following provides a brief summary of the applicant's response to each of the items raised:

1. (a) The connection of the proposed development to the national electricity grid does not form part of the development. The applicant cannot apply for approval for connection to the national grid until permission is granted for the proposed BESS. The applicant will engage with Eirgrid or ESB as appropriate in the instance of a grant of permission to determine the point of connection to the grid. As confirmation of the point and method of connection to the grid infrastructure remains outstanding, the application does not include consent for the grid connection infrastructure. However, this infrastructure is assessed within the EIA Screening Report and AA Screening Report to allow for a comprehensive assessment of cumulative impacts. (b) the likely method of connection will comprise the construction of an on-site transformer compound (comprising an on-site substation (electrical control building) and electrical transformer) and the installation of underground electrical and communications cabling between the respective sites. It is currently predicted that all works will be undertaken within private land and within the L2035.
2. The proposed Battery Energy Storage System (BESS) will utilise Lithium Iron Phosphate (LFP) battery technology, housed within containerised units, with an overall site capacity of up to 83.5MW / 334MWh. While the final equipment manufacturer will be confirmed at the detailed procurement stage, the battery chemistry, safety performance and operational characteristics of the installed

system will remain consistent with the design parameters and specifications assessed as part of the application.

3. The FI response outlines that the term “design flexibility” was used to describe immaterial alterations which may arise as part of the post-consent detailed design process of the proposed development. The response outlines that design flexibility under the terms of Section 32H of the Planning and Development Act 2000 (as amended) is not being sought in this instance. Any refinement arising through detailed design of final equipment procurement would be limited to immaterial or equivalent adjustments that do not alter the nature or environmental effects of the development as assessed.

4. (a) A Fire Risk Management Plan is attached as Annex 3. This sets out preventative measures for potential causes of fire and evaluates the associated risk. (b) An Emergency Response Plan is attached as Annex 4. Revised Drawings are attached as Annex 1. (c) The FI response outlines that the drawings provided at Annex 1 illustrate the required separation distance from each battery unit to avoid propagation on a container-to-container basis, the same rationale applies to external materials including, in this instance, forestry to the east of the site boundary (in accordance with the specifications sets out within the FRMP attached as Annex 3).

5. (a) A water holding tank has been proposed as part of the firefighting provision. The response outlines that there is a minimum provision of 1,900 litres of water for 2 hours available on-site. (b) Firefighting water is supplied via a 271m3 capacity water supply tank which will feed the hydrant on site (c) Annex 5 includes details of consultation with Uisce Éireann in respect of the development.

6. (a) Water used during a fire, whether from the BESS unit’s internal suppression system (gas and coolant sprinklers) or from external firefighting sources, will be contained within lined, permeable sub-base storage areas. An impermeable liner prevents infiltration to groundwater, and pollution control valves/isolation valves stop any discharge to the wider drainage network. If firefighting water becomes contaminated, it will be held on-site long enough to allow pumping out by a licensed waste management contractor for off-site

disposal. (b) The drawings attached as Appendix 5 illustrate the proposed replacement culvert and measures for the installation of same are set out within the Construction and Environmental Management Plan (Annex 6) and assessed within the Natura Impact Statement (Annex 7). (c) Compliance with the Water Framework Directive is addressed within the Revised Drainage Plan (Annex 5: Section 6). This assessment concludes that the proposed development will not result in the deterioration of status of the CAVAN_010 river waterbody or the IE_NW_G061 groundwater body and will not prevent achievement of their applicable Water Framework Directive objectives.

7. A drawing illustrating the proposed site entrance and sightlines is attached as Annex 1. A Construction and Environmental Management Plan (CEMP) is attached as Annex 6.
8. A Natura Impact Statement is attached as Annex 7. The NIS includes proposed mitigation measures to ensure no contamination of surface and ground water. The applicant's NIS concludes that the proposed development, either alone or in combination with other plans or projects, will not undermine the conservation objectives of any Natura 2000 site or have an adverse effect on the integrity of any Natura 2000 site.
9. A revised Environmental Impact Screening Report (EIASR) is attached as Annex 8 of the applicant's FI response. The EIASR concludes that the proposed development does not meet any of the thresholds set out at Schedule 5, Part 2, Class 19a) of the Planning & Development Regulations 2001 (as amended). An Environmental Impact Assessment (EIA), and preparation of an Environmental Impact Assessment Report (EIAR), is not required in this instance.
10. Revised Drawings are attached as Annex 1 of the FI Response. Annex 9 includes a revised Noise Impact Assessment which assesses the revised proposal in terms of acoustics.

FI Response Conclusion

8.3.2. The suitability of the proposed development site is, in addition to the absence of overwhelming environmental constraints, further reinforced by its strategic location

proximate to the existing Shankill 110kV electricity substation thus avoiding the requirement for extensive interconnecting infrastructure.

8.3.3. The Commission is requested to uphold the decision of Cavan County Council and grant permission for the development.

FI Response Attachments

8.3.4. The following documentation was submitted in conjunction with the FI response:

- Further Information Response Cover Letter.
- Annex 1: Revised Drawings
- Annex 2: Battery Specification
- Annex 3: Fire Risk Management Plan (FRMP)
- Annex 4: Emergency Response Plan (ERP)
- Annex 5: Flood Risk Assessment & Drainage Plan
- Annex 6: Construction Environmental Management Plan (CEMP)
- Annex 7: Natura Impact Assessment (NIS)
- Annex 8: Environmental Impact Assessment Screening Report (EIASR)
- Annex 9: Noise Impact Assessment (NIA)
- Annex 10: Long Duration Energy Storage Consultation Paper

8.4. **Clarification on Further Information Response**

8.4.1. On initial review of the applicant's further information response, it was noted that a technical appendix was attached as Annex 4 which wasn't in English. By correspondence issued to the applicant's agent on the 18th of February 2026 the Commission requested the submission of the following: "*An English version of pages 13 to 23 of the CATL report submitted with submission dated the 6th February 2026".*

8.4.2. By correspondence dated the 25th of February 2026 the applicant's agent confirmed that pages 1-12 of the report attached to Annex 4 provides the document in English. Pages 13 -23 of the report provide a duplicate of the report in Mandarin.

8.5. Further Submissions – Responses to Recirculation and Readvertisement of Further Information

8.5.1. The applicant's Section 132 response was deemed to be significant by the Commission, and the applicant was requested to advertise the Section 132 response. The Section 132 response was also circulated to parties of the appeal and Uisce Éireann for comment. The following provides a summary of the key issues raised within the submissions.

Cavan County Council (24/03/2026)

8.5.2. The Planning Authority's response to the applicant's Section 132 response outlined that they had no further comments to make.

Submission from Uisce Éireann (20/04/2026)

8.5.3. The submission from Uisce Éireann is summarised as follows:

- The applicant has engaged with Uisce Éireann via Pre-Connection Enquiry and Uisce Éireann can confirm that a Confirmation of Feasibility has been issued to the applicant advising that water connections to the site are feasible.
- While connection is feasible, the existing 125mm HPPE Uisce Éireann watermain near the development site does not have the capacity to meet the ire flow requirement, nor does any part of the network in the immediate area without extensive upgrades being carried out.
- Uisce Éireann recommends that in order to guarantee a flow to meet the Fire Authority requirements the applicant needs to provide adequate fire storage capacity within the proposed development that has a minimum 12-hour refill time but ideally can provide for a 24-hour refill time.
- The submission recommends conditions in the instance of a grant of permission.

Submissions from Residents in Area

8.5.4. Over 30 submissions were received from residents within the surrounding area. Similar issues are raised within the submissions and accompanying appendices. In order to avoid undue repetition within the report the following provides a summary of the key points raised within the submissions. The following provides a summary of

the submissions as they relate to the applicant's further information response only. The grounds of appeal are not restated.

Revised Layout:

- The submissions raise concern in relation to the revised layout submitted in respect of the Commission's request for further information and outline that the changes proposed during the appeal process are not immaterial or minor. The submissions outline that the revised proposals include a significant increase in the quantum, height and storge capacity of the units (37.5% increase in the number of units and 300% increase in the storage capacity of the units). It is stated that the increase in scale from 48 to 66 battery containers significantly elevates the potential consequences of any major incident.
- It is unclear if environmental; safety and noise assessments have been updated to reflect the increased scale of the development.

Design and Layout:

- The submissions outline that the revised layout is not in compliance with NFCC guidance in terms of spacing between containers and emergency access.
- The application documentation does not clearly demonstrate that the proposed separation distances have been determined through detailed thermal analysis or fire modelling.

Inadequacy of Further Information Response

- The submissions outline that the applicant's response fails to adequately address the Commission's Section 132 request. It is stated that significant environmental, safety and planning matters remain unresolved, and the applicant has not demonstrated that the proposed development can proceed without unacceptable risk to public safety, emergency responders, nearby receptors and the surrounding environment.
- The applicant's response is incomplete in relation to 1. Battery chemistry and system design 2. Firefighting water provision 3. Firewater containment measures 4. Emergency response planning 5. Environmental impacts.

- The decision of Cavan County Council should be deemed invalid as the specifications of the development were unclear at application stage.
- The Commission is requested to refuse permission for the development. In the alternative the Commission is requested to seek further information in relation to hydrogeological investigation of Shankill site, atmospheric dispersion and deposition modelling, drinking water directive impact assessment of the catchment, cumulative assessment of unified Pottle and Shankill Lower project and Stage 2 Appropriate Assessment before any further consideration of the appeal.
- The submissions outline that there is inconsistency in the application documentation in relation to Project Lifespan and Duration of Development. In this regard it is stated that the operational lifespan is 35 years which is longer than the 10-year time period set out within application.
- The application does not address Decommissioning or Restoration of the site. The application does not address insurance or financial liability arrangements in the event of a catastrophic incident. A bond/insurance policy needs to be in place to deal with the fallout from failure at the site.

Fire Risk

- The submissions restate their concerns in relation to fire risk associated with the development. The submissions outline that the application documentation displays an inadequate understanding of lithium-ion fire behaviour and incorrect assumptions in relation to fire suppression methods. Fire suppression systems such as CO2 and dry powder extinguishers are generally ineffective in lithium-ion battery fires. Large volumes of water are required.
- The submissions outline that the proposed remote monitoring will result in delays in notifying residents of an incident.
- The submissions outline that the design specification set out within the Fire Risk Strategy is insufficient as the final equipment manufacturer is subject to confirmation. A Fire Risk Safety Plan can only be put together when it is clear

what the specification and site design is. The Commission has not been given specific design information to come to any conclusion.

- The submissions outline that the Fire Risk Strategy is generic and does not provide a comprehensive analysis of credible worst-case scenarios associated with lithium-ion battery failure and therefore the assessment of major accident risk is incomplete. No detailed modelling has been provided in relation to toxic gas dispersion, vapour cloud explosion risk and consequences for nearby receptors. Without such analysis, the risks arising from the development cannot be properly understood. The documentation cited including UL Solutions document is outdated (2019). Mitigation measures are deemed to be generic.
- The Emergency plan documentation does not demonstrate comprehensive compliance with NFCC Guidance. The document submitted is high level and does not demonstrate consultation with the fire service, the operational firefighting strategy for a large-scale battery fire, emergency response procedures for toxic gas release and arrangements for managing contaminated firewater runoff.
- The proposal does not clearly demonstrate compliance with the NFCC guidance in relation to 1. Emergency vehicle access, 2. Firewater containment and pollution control, 3. Detailed emergency response planning 4. Separation distances and fire spread analysis 5. explosion and gas dispersion risk assessment.
- The submitted reports just relate to a fire event in one unit. The applicant has relied on Gexcon information that can be found online. It is not clear if the information is site specific.
- The application documentation does not clearly demonstrate that the proposed separation distances have been determined through detailed thermal analysis or fire modelling.
- The applicant has not carried out emissions or explosion modelling.
- The submissions refer to incidents at BESS site and outline that the Beijing and Merseyside fires involved LFP battery chemistry. The incident at the

BESS at ClareGalway, Galway where 3 firefighters were injured by gases released from the BESS site.

- UL 9540 A Testing Document: The submissions question the relevance of this document. It is stated that the document offers no reassurance on safety and is inadequate in the absence of confirmation of battery technology for the units.

- The submissions question the classification of the battery chemistry as being inert. The submission outlines that these batteries are not inert as they are highly reactive and pose significant safety risks if damaged overcharged or misused.

- CATL Material Data Safety Sheet: The submission questions the relevance of the CATL Material Data Safety Sheet attached as an Appendix to the Emergency Response Plan. Some of the information is in Chinese and should be translated.

- The submissions question if appropriate technical expertise is available in planning authority's and ACP to understand the behaviour of large-scale battery sites.

Water Proposals

- The submissions refer to the requirement for large volumes of water for firefighting purposes. The submissions outline that there is insufficient capacity within the public water network to cater for the development.

- There are issues with water supply and water pressure within the area. Water in the area is off at night and there will be no water pressure to refill the tank if required.

- The developers do not have consent from Uisce Éireann for a connection to the public mains supply.

- The developer proposes a firefighting water storage tank with capacity of 271m^3. The adequacy of the proposed water storage capacity for a worst-case BESS fire scenario involving multiple battery containers has not been demonstrated.

- The application documentation does not illustrate hydrant locations, pumping arrangements, fire service connection points, tanker access and refilling arrangements.

Water Containment

- The application documentation does not clearly demonstrate 1.the total containment capacity available for contaminated firewater, 2. The ability to isolate drainage systems during an emergency and 3. Procedures for safely removing contaminated water from the site.
- There is no clear demonstration of worst-case fire water containment for a major or prolonged multi container event.
- Without a detailed worst-case scenario analysis of firewater volumes and containment capacity it is not possible to conclude with certainty that contaminated water could not reach nearby watercourses.
- The NFCC Guidance outlines that lithium-ion battery fires can generate heavy metal, electrolyte residues and combustion by-products. The NFCC guidance recommends that drainage systems should include measures such as drain isolation systems, containment basins or bunding, pollution control systems and clearly defined post-incident recovery procedures. The proposal relies on general drainage infrastructure.

Access

- Access arrangements are insufficient; no fire walls or blast walls are provided on site between the batteries and there is not study of prevailing winds. A fire service tender will not be able to reach the site as the gates will be locked.
- The layout does not incorporate provision of multiple access routes to the site, adequate internal circulation routes for emergency vehicles, suitable turning areas for fire appliances and compliance with recognised fire appliance access standards.

Natura Impact Statement

- The submissions question the robustness of the applicant's Natura Impact Statement. It is stated that the NIS does not assess all stages of the development including construction, operational and decommissioning.
- The NIS does not include surveys or specific assessment of potential impacts on Otter, the Annagelliff River represents a suitable habitat for this protected species.
- The NIS focuses on a fire event at one battery, the report does not deal with a full loss of control event at the site.
- The effectiveness of cited mitigation measures within the NIS are not conclusively demonstrated. The mitigation measures have not been demonstrated to be reliable under catastrophic failure scenarios. A high level of certainty has not been achieved.
- The ecological assessment does not consider scenarios in which mitigation measures fail or are overwhelmed during a major incident. In the absence of detailed modelling, firewater containment analysis and consequence assessment, it cannot be concluded with the level of certainty required under Article 6 (3) of the Habitats Directive that the proposed development would not adversely affect the integrity of European sites.
- The submissions cite case law including Case C-258/11 Sweetman and Case 461/17 Holohan and outline that consent is not available under Article 6(3).

Impact on Ecology

- The ecological assessment does not include modelling of toxic gas dispersion, deposition of particles, potential ecological impacts of airborne contaminants.
- The submissions outline that the environmental consequences of a major battery incident have not been fully assessed, particularly in light of proximity of the proposed development to the Annagelliff River and potential damage to habitats.
- Specific concerns are raised in relation to contaminated firewater.

- Impact on otters, pine martin and badgers.
- Impact of lighting proposals on birds and bat populations in the area.
- The “Let it Burn Strategy” is ecologically unacceptable.

Grid Connection, Project Splitting and Requirement for EIA

- The operation of the BESS is dependent on the construction of a substation and also connection to the existing Shankill substation which do not form part of the current application. This prevents a full environmental assessment of the development.
- The Environmental Impact Assessment Screening Report fails to adequately assess the proposed development against the mandatory criteria set out in Annex III. The submissions outline that a full Environmental Impact Assessment is required.

Impact on Water Quality and Water Framework Directive

- The submissions outline that the application does not demonstrate that contaminated forewater arising from a major incident could be fully contained on site and raise concern in relation to contamination of groundwater and surface water.
- The Annagelliff waterbody has a poor ecological status. The Water Framework Directive outlines that proposals should not cause deterioration in water quality.
- The drainage infrastructure described appears to be designed for surface water management rather than pollution containment under emergency conditions.
- The application doesn’t address hydrogeological investigations as required under Article 6 of the Groundwater Directive and Case C-248/05 or the cumulative impact of the development in conjunction with the Pottle Site (ABP Ref: 319637-24).
- The submissions raise concern in relation to the impact of the development on private wells and water supply.

- The submission from Lorraine and Martin McGovern (22.04.2026) outlines that a petition concerning this appeal has been lodged with the Committee on Petitions of the European Parliament on 21st of April 2026 under Article 227 of the Treaty on the Functioning of the European Union. The submission outlines that the Commission does not have discretion to issue a consent that discharges the Member States duties under the Groundwater Directive, Habitats Directive, Environmental Impact Assessment Directive or Drinking Water Directive in the circumstances disclosed on file.

Public Safety & Impact on Residents:

- The appellant raises concern in relation to the proximity of residential property to the site.
- The submissions outline that the description of the area as being sparsely populated is incorrect and is at odds with the demographic in the Shankill area.
- The risk to human population is underestimated within the application. Residents in areas where BESS are permitted will suffer loss of amenity, loss of value to their homes and exposure to toxic gases and heavy metals in the instance of a loss of control event.
- Impact on Vulnerable Residents and Persons with Disabilities
- Devaluation of Property.
- The submission refers to risks to farmers and livestock and risk to commercial activities in Cavan town centre in the event of an incident at the site.

Construction and Environmental Management Plan

- The submissions outline that the CEMP is not site specific as it refers to the ARVA BESS application which relates to a separate site. The submissions raise concern in relation to oversight by a clerk of works.
- The submission outline that there are no regulatory agencies accountable in the event of failure at this site.
- The submissions raise concern in relation to the lack of consultation with adjoining residents. The submission refers to the CEMP submitted in

conjunction with the Section 132 response and the reference to consultation with residents in the area. It is unclear which houses if any will have liaison during the construction phase as the houses are not identified.

Visual Impact and Lighting

- The submissions concern in relation to the loss of hedgerow to facilitate the site entrance, the visual impact of the entrance.
- Light Pollution – Lighting would be intrusive and damaging to residential amenity.
- The submissions refer to the loss of rural character and dark skies associated with Security Lighting, CCTV Interference.

Noise Report

- The submissions raise concern in relation to the scope and content of the revised Noise Assessment. Noise testing was carried out in 2023 and are outdated at this stage. Background noise levels are higher at the location chosen for the baseline noise study, which is located at the junction of 2 no. roads.
- Noise results are indicative as the plant equipment has not been identified.
- The sound power levels of the battery containers would exceed daytime and nighttime sound power levels.
- The cumulative impact of noise associated with the development and the Shankill substation is not addressed.
- Noise Pollution – Battery Storage facilities operate continuously and generate noise from colling systems, transformers and inverters. This type of noise is often constant, low – frequency and intrusive. Continuous background noise may result in sleep disruption and stress and loss of enjoyment of homes and outdoor spaces.

9.0 **Assessment**

9.1. Having examined the application details and all other documentation on file, including the appeals and observations, the applicant's Section 132 Further Information Response and the observation on same, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development – Compliance with Policy
- Design, Layout and Battery Specifications
- Prematurity Pending Substation and Grid Connection
- Fire Risk and Health and Safety
- Water Supply for Firefighting Purposes
- Water Quality and Water Framework Directive
- Visual Impact
- Impact on Residential Amenity
- Access and Traffic Impact
- Impact on Wildlife and Ecology
- Appropriate Assessment
- Other issues

9.2. **Principle of Development - Compliance with Policy**

Site Location and Description

9.2.1. The appeal site, which has a stated area of 3.510ha, is currently in agricultural use and located in a rural area in the townland of Shankill Lower c. 3.5km east of Cavan Town. The site comprises of agricultural fields bounded by mature hedgerow along the north, north-west and western boundaries of the site. The southern boundary of the site abuts mature forest.

9.2.2. Access to the site is currently provided via an existing agricultural gate from the L2035. An existing track provides access from the L2035 through the site and traverses the Annagelliff River. The surrounding area comprises mainly agricultural

land and rural housing. There is an existing 110 kV ESB substation, Shankill substation, located c. 440m to the northeast of the proposed development site.

Proposed Development

9.2.3. The proposed development is for the construction of a battery energy storage system (BESS). The application documentation outlines that the proposed BESS is designed to provide system support services to the electricity grid and will provide storage for surplus electrical energy which periodically arises in the national grid. Stored energy will be returned to the grid during periods of peak demand. The existing Shankill 110kV electricity substation located c. 440 metres ('m') to the northeast of the proposed development site.

Compliance with National Policy

9.2.4. The application documentation outlines that current planning policy recognises that the development of BESS's will be a major contributor to Ireland's efforts to achieve renewable electricity generation targets. In considering the principle of the proposal I note that BESS can provide back-up to a renewables-based electricity grid or may contribute to the resilience of the overall energy supply network.

9.2.5. Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended states:

'A relevant body shall, in so far as practicable, perform its functions in a manner consistent with—

(a) the most recent approved climate action plan,

(b) the most recent approved national long term climate action strategy,

(c) the most recent approved national adaptation framework and approved sectoral adaptation plans,

(d) the furtherance of the national climate objective, and

(e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State

9.2.6. As a relevant body, An Coimisiún Pleanála is required to exercise its function in a manner consistent with the applicable climate objectives, in so far as is practicable,

and I have set out the following consideration to enable the Commission make their decision within that framework.

9.2.7. The need for a flexible generation capacity is recognised as a national priority in the Government Policy Statement on Security of Electricity Supply, and in the Climate Action Plan 2024 and the Climate Action Plan 2025. The CAP 2025 emphasizes the importance of grid reinforcement and demand management. In terms of Actions, the key theme for electricity is accelerating flexibility with one of the actions, the publication of a long Duration Energy Storage (LDES) procurement recommendations paper in Q1 of 2025. One of the 2025 KPI's is the requirement to have long term storage (4 hours plus) in place.

9.2.8. Section 3.8 of the government document entitled 'Electricity Storage Policy Framework for Ireland (2025)' outlines that 'the next challenge, beyond the immediate term, is to ensure the development of sufficient electricity storage systems to meet the third Carbon Budget. To do so, it is the view of the Irish Government that large quantities of electricity storage are required to be added to the electricity grid in the near-term (2030-2040)'. The document outlines that Electricity Storage Systems (ESS) have an important role to play in facilitating several CAP and Sectoral Emissions targets, including supporting onshore and offshore wind and solar generation energy targets for 2030 (see Page 8 of the Framework for specific targets).

9.2.9. I have considered the proposal in the context of National, Regional and Local policy including those as summarised in Section 5 of this report and detailed above. I consider that the principle of a BESS development is consistent with such policies and objectives in principle and would contribute to the resilience and support the efficiency of the overall energy supply network.

Material Contravention of Cavan County Development Plan 2022-2028

9.2.10. The third-party appeals and observations outline that the proposal constitutes a material contravention of the Cavan County Development Plan 2022-2028 (CCDP) on the basis of the siting of the development in an unzoned rural area. The appeals outline that the proposal is industrialising a rural area and would be more suitably located within an industrial estate.

9.2.11. The application documentation sets out a rationale for the siting of the development on the basis of the location of the site proximate to the existing Shankill 110kV electricity substation thereby avoiding the requirement for extensive interconnecting infrastructure. The appeal response outlines that the development is in accordance with Section 7.10 and Objective EDO 06 of the CCDP. In this regard, it is stated that a material contravention of local policy does not arise.

9.2.12. At the outset, in considering the grounds of appeal, I note that Cavan County Council did not raise concern in relation to material contravention of the provisions of the CCDP. Development Objective EDO 6 of the Cavan County Development Plan supports the development of energy storage systems throughout the County and outlines that*: "It is an objective of Cavan County Council to facilitate proposals for energy storage systems and infrastructure, which support energy efficiency and reusable energy systems, provided such proposals accord with the principles of proper planning and sustainable development of the area"*.

9.2.13. I note the location of the site in a rural area. The proposed development seeks to provide support to the established grid system within the area. Objective GE 01 of the CCDP seeks support and promote sustainable improvement and expansion of the electricity transmission and distribution network that supply the county subject to landscape, residential amenity and environmental considerations. I consider the principle of the development to be acceptable in this regard subject to such considerations. I do not consider a material contravention of the Cavan County Development Plan to arise in the context of the siting of the proposed development within a rural area.

9.2.14. The appeals and observations raise concern in relation to the environmental and amenity impacts of the proposal. It is stated that the proposed development is not in accordance with principle EG 3 of the Cavan County Council Climate Action Plan 2024-2029 which outlines that: "*No climate action related development project that is likely to have a significant negative effect on the receiving environment shall be supported".* The appeals and observations furthermore outline that the development is contrary to Development Objectives GE 04, EDO 01 and EDO 02 of the CCDP which collectively set out considerations for the assessment of energy conservation and renewable developments.

9.2.15. In conclusion I consider that the proposed land use, a battery energy storage system, is in appropriate location / setting and consistent in principle with relevant national, regional and local planning policy. This is subject to meeting other relevant planning considerations including environmental and amenity considerations, which are considered in the following sections of this assessment.

9.3. Design, Layout and Battery Specifications

Revision to Design and Layout in response to ACP Request for Further Information

9.3.1. The development, as originally proposed and as assessed by Cavan County Council, comprised of a battery array including 48 no. containers each holding battery storage units up to 2.25MW for a maximum of 108MW. Revised proposals were submitted in response to the Commission's request for further information. The revised proposals comprise the following:

- 66 nr. battery energy storage system units;
- 11 nr. Power Conversion System (PCS) units;
- 1 nr. PCC units;
- Proposed 2.6m high palisade fence; and associated works;
- Hardstanding throughout the site; and,
- A new gravel site access track from the L2035.

9.3.2. The submissions on the applicant's Section 132 response raise concern in relation to the principle of the proposed design revisions including the increase in the quantum of batteries on site and the increase in overall storage capacity at the appeal stage of the application. The submissions outline that the increase in no. of battery units from 48 to 66 within the FI response represents a substantial increase in the scale and energy storage capacity of the development and increases the potential scale of any fire or explosion incident. The submissions furthermore question if the application documentation has been updated to reflect such changes.

9.3.3. The applicant's response to the Commission's request for further information sets out a rationale for the revised design and layout on the basis of the recommendations of the Fire Risk Management Plan and NFCC guidance. The FI response outlines that the overall layout has not altered significantly; the compound boundaries all remain the same and while there are now more battery units (from 48 to 66) due to the amended configuration, the overall height of the battery units has

increased slightly from 2.3m to 2.9m however overall, they are shorter by 3.7m, from 9.7m, to 6m, and not as wide, from 3.5m to 2.4m. This results in a 40.10% decrease in the overall footprint and a 26.12% decrease in the overall mass in terms of battery containers compared with the original submission. The FI response outlines that the revised layout includes fewer power conversion systems (PCS's) (reduced from 12 to 11) and there is also 1 less power control centre (PCC).

9.3.4. I am satisfied that the applicant has provided a sufficient rationale for the proposed revisions to the layout of the development. I note that the applicant's FI response was readvertised for public consultation and recirculated to parties of the appeal for comment by the Commission. I am satisfied that interested parties of the appeal and the general public had opportunity to comment on the revised proposals.

9.3.5. For the purposes of clarity, I have considered the revised proposals submitted to the Commission on the 6th of February 2026 for the purposes of this assessment.

BESS Specifications

9.3.6. The appeals raise concern in relation to information deficiencies within the application in relation to the design and specifications and storage capacity of the BESS and proposed firefighting systems.

9.3.7. This point was addressed within the Request for Further information issued to the applicant in November 2025. Item 2 of the FI requested the applicant to provide clarification in relation to the specific design battery chemistry and specifications of the proposed Battery Energy Storage System (BESS) development and supporting infrastructure (Item 2). The applicant's response to the request for further information outlines that the proposed Battery Energy Storage System (BESS) will utilise Lithium Iron Phosphate (LFP) battery technology.

9.3.8. The FI response outlines that while the final equipment manufacturer will be confirmed at the detailed procurement stage, the battery chemistry, safety performance and operational characteristics of the installed system will remain consistent with the design parameters and specifications assessed as part of the application.

9.3.9. The submissions on the applicant's FI response raise concern in relation to the lack of information in relation to the final equipment manufacturer. However, I am

satisfied that the applicant has provided sufficient information in relation to the battery chemistry of the development within the Section 132 response. I recommend that a condition outlining that the BESS shall be in line with the parameters set out within the application should be included in the instance that the Commission is minded to grant permission for the development.

9.3.10. I note the reference to the request for Design Flexibility within the application documentation. The applicant's response to the Commission's request for further information outlines that design flexibility under the terms of Section 32H of the Planning and Development Act 2000 (as amended) is not being sought in this instance. Any refinement arising through detailed design of final equipment procurement would be limited to immaterial or equivalent adjustments that do not alter the nature or environmental effects of the development as assessed.

9.4. Piecemeal Development - Prematurity Pending Grid Connection and Project Splitting

9.4.1. The proposed development seeks permission for an energy storage facility. The application documentation outlines that the development will connect to the existing substation at Shankill which is located within the vicinity of the site c. 440m to the northeast. The application drawings indicate the future location of a proposed substation compound and grid connection to be located at the north-east corner of the site. These do not form part of the subject application. The appeals outline that the application is premature pending a proposed grid connection and refer to lack of consultation between the applicant and the relevant energy supplier.

9.4.2. The applicant was requested to provide clarity in relation to (i) the status of the substation/Transformer Compound referred to within the application and (ii) proposed method of proposed method of connecting the proposed BESS to the electricity grid within the Section 132 Request issued by the Commission in November 2025.

9.4.3. The applicant's response to the request for further information outlines the following:

- The connection of the proposed development to the national electricity grid does not form part of the development. The applicant cannot apply for approval to the national grid until permission is granted for the proposed BESS.

- In terms of consultation, the FI response outlines that the applicant will engage with Eirgrid or ESB as appropriate in the instance of a grant of permission to determine the point of connection to the grid.
- The likely method of connection will comprise the construction of an on-site transformer compound (comprising an on-site substation (electrical control building) and electrical transformer) and the installation of underground electrical and communications cabling between the respective sites. It is envisaged that all works will be undertaken within private land and within the L2035. As confirmation of the point and method of connection to the grid infrastructure remains outstanding, the application does not include consent for the grid connection infrastructure.
- This infrastructure is assessed within the application documentation to allow for a comprehensive assessment of cumulative assessment.

9.4.4. The SEAI and Government of Ireland Publication - Battery Storage Manual of Consenting Procedures outlines that: "*Prior to construction, a Grid Connection Offer must be obtained, which will allow for a generator to be connected to the national grid, to supply energy. It is important to note that to secure a grid connection offer, a project requires planning permission in advance of submitting a Grid Connection Application*".

9.4.5. Having regard to the guidance set out within the aforementioned publication I consider that the approach taken within the application is acceptable and do not consider the development to be piecemeal or premature in this instance. I consider that the locational context of the site would minimise energy loss during the transfer process from the existing nearby substation to the proposed BESS. The short distance between the two facilities would also mean that limited infrastructure and physical works would be needed to route cables, circuits and transmission lines between the substation and BESS premises. In the instance that the Commission is minded to grant permission for the development, I recommend the inclusion of a condition clarifying that the permission shall not be construed as any form of consent or agreement to a connection to the national grid.

Project Splitting

9.4.6. The appeals on the application and submissions on the applicant's response to the Commission's request for further information contend that the proposal constitutes project splitting for the purposes of EIA. In this regard it is stated that the scope of the application does not extend to include a grid connection or substation which will be subject to a separate consent process.

9.4.7. The proposed BESS development will require a connection to the national grid. The development is proposed to connect to the existing operational 110 KV Shankill Substation located to the northwest of the appeal site. The application documentation outlines that the likely method of connection will comprise the construction of an on-site transformer compound (comprising an on-site substation (electrical control building) and electrical transformer) and the installation of underground electrical and communications cabling between the respective sites. A grid connection or substation would not constitute classes for the purposes of EIA. In this regard I am satisfied that project splitting does not apply.

9.5. Fire Risk

9.5.1. The third-party appeals raise significant concern in relation to fire risk associated with the development. The appeals outline that Lithium-ion batteries pose a serious off-site public health and safety risk associated with malfunction leading to thermal runway, vapour cloud explosion, toxic gas, plume and fire. The appeals outline that there are significant information deficiencies within the application in terms of the proposed fire mitigation and firefighting strategy and raise concern in relation to the proposed remote monitoring of the facility.

9.5.2. The appeals are accompanied by a number of technical reports and articles relating to fire risk associated with BESS developments and details of BESS fire events. The appeals cross refer to the report from Dr. Paul Christensen, fire safety consultant, which outlines that failure at LIB plants cannot be eliminated in the absence of clarification of the type of batteries it is impossible to plan for an emergency.

9.5.3. The initial application documentation outlined that the proposal includes Lithium-Iron battery technology which poses 0% risk of explosion and fire events at BESS facilities are extremely rare. The application documentation outlines that the due to the design of the BESS containers which incorporate fire identification and suppression measures (including deflagration panels), any fire event is likely to be of

limited magnitude and duration. It is stated that the proposed development has been designed; and will be constructed, operated and maintained; in accordance with the highest international health and safety standards.

9.5.4. Item 1 of Cavan County Council's request for further information requested the applicant to specifically address the firefighting strategy for the site. The applicant's FI response outlined that specific details relating to the proposed fire-fighting system have not been indicated on the drawings submitted with the planning application on the basis that battery energy storage systems (BESSs) are a relatively new type of technology which is rapidly evolving, the approach to fire-fighting any fire event which may occur is also evolving and that fire-fighting procedures for BESSs are likely to have been superseded by more modern approach in the interim period between the application for permission and construction of development.

9.5.5. The applicant's FI response furthermore outlines that the applicant is committed to the implementation of all necessary fire-fighting procedures and infrastructure which shall be agreed with the Cavan County Council Fire Service (and Chief Fire Officer) and welcome the inclusion of a condition to this effect in the instance of a grant of permission. I refer to Condition no. 4 of Cavan County Council's notification of decision to grant permission for the development which outlines that: "*Prior to the commencement of development, full details of the final layout and design of the project, including specifications of the infrastructure to be installed and the relevant fire safety, fire suppression and firefighting measures to be provided, shall be agreed in writing with the Planning Authority"*.

Section 132 Request

9.5.6. On review of the information submitted in conjunction with the application, I considered that insufficient information had been provided in relation to the specifications of the proposed BESS and associated firefighting mitigation strategy. The applicant was requested to submit a Fire Risk Management Plan, Emergency Response Plan and revised drawings within Item 4 of the Section 132 request.

Fire Risk Management Plan

9.5.7. A Fire Risk Management Plan (FRMP) prepared by Gexcon was submitted in conjunction with the applicant's response to the Section 132 request for further information (Annex 3 of the S.132 response). The FRMP outlines that the BESS will

use Lithium Iron Phosphate batteries (LFP) and the proposed facility comprises up to 94.25 MW / 377 MWh Battery Energy Storage System and associated ancillary equipment.

9.5.8. Section 3 of the report refers to BESS hazards and potential causes of a fire event on site. Potential hazards associated with the batteries, including battery manufacturing defects, electrical mishandling of batteries, thermal and mechanical abuse of batteries, are identified as presenting the highest likelihood of acting as an initiator. The FRMP outlines that the design and layout of the facility is in line with the most up to date industry standards and best practices and aims to minimise the consequences of a fire on site should one occur and prevent any offsite impacts. The FRMP outlines that within the site boundary the site layout has been designed to enable safe access by emergency vehicles to all BESS containers, fire hydrants and emergency equipment.

9.5.9. The submissions on the Section 132 response raise concerns in relation to the scope and content of the FRMP. It is stated that the FRMP is generic in detail and not site specific. The submissions outline that the proposed site layout is not in compliance with NFCC recommendations in terms of inadequate separation distance between the BESS containers internally within the site, proximity of adjoining residences and proposed site access arrangements.

9.5.10. Section 4.5 of the FRMP outlines that the BESS facility layout has been configured to ensure that appropriate separation is provided between the BESS containers and electrical subsystems in order to mitigate against propagation of a fire event from container to container. The FRMP outlines that the proposed BESS units are arranged in skids each comprising 6 BESS containers and 1 Power Control System. The skids are separated from one another by 4m aisles on sides that contain access panel, doors or vents. Separation distances between adjacent PCS's exceed 5m and the distance between the battery containers and the site boundary is a minimum of 10m. The nearest BESS unit is separated from the nearest residential dwellings by approximately 250m which exceeds the minimum distance as set out within NFCC guidance of 25m. Areas within 10m of the BESS units will be cleared of combustible vegetation. The FRMP outlines that the distance between the nearest container and the forest to the southeast of the site is 23m which exceeds recommended separation distances.

9.5.11. I note that the National Fire Chiefs Council (NFCC) updated its guidance on grid-scale Battery Energy Storage Systems (BESS) in December 2025, replacing the 2023 version as cited within the Commission's Section 132 request. In terms of the space between containers the guidance outlines that a BESS enclosure may have been tested to a standard such as UL 9540A and that if this show that propagation does not occur between BESS enclosures it is possible to reduce separation to a minimum of 0.914m. In this regard, I note that Section 4.2.1 of the FRMP outlines that EnerX battery cells, modules and racks are certified to standards including UL 9540A. The FRMP outlines that UL9540A testing has been conducted on the EnerX system at cell, module and rack level and it was concluded that at module and rack level the EnerX system observed no flames or flying fragments and no module-to-module propagation in the event of a cell going into thermal runaway. In the event of a thermal runaway occur it is envisaged that it would be restricted to one module. On the basis of the information submitted I am satisfied that appropriate separation distances are provided.

9.5.12. The 2025 guidance also recommends that distances between BESS enclosures and occupied buildings is 30m. I am satisfied that the separation distances well in excess of 30m is provided from the nearest residential property. In terms of access arrangements, I consider that sufficient space has been provided for circulation and turning of emergency vehicles as detailed within Section 9.10 of this report. The development also includes on site water storage for firefighting purposes as detailed within Section 9.6 of this assessment.

9.5.13. On the basis of the information set out within the FRMP and revised drawings, I am generally satisfied that the layout of the development is acceptable in principle and generally aligns with the guidance set out within NFCC Guidelines. I am also satisfied that the document is site specific and has been developed in consideration of the site characteristics including the presence of the existing woodland area to the southeast.

Dispersion Modelling

9.5.14. The submissions on the applicant's Section 132 response furthermore raise concern in relation of the lack of fire risk and dispersion modelling within the FRMP to assess the likely effects on the receiving area were a potential fire or explosion to occur.

9.5.15. The applicant's FRMP outlines that notwithstanding compliance with recommended separation distances, consequence modelling has been carried out to assess whether the hazard ranges of a thermal event at a BESS container would extend to any off-site receptors. The FRMP outlines that although BESS sites do not fall under the scope of the COMAH regulations, the assessment was completed in line with the general methodology set out in the Health and Safety Authority's (HSA) Guidance on technical land-use planning advice for planning authorities and COMAH establishment operators which outlines the methods for assessing major accident hazards.

9.5.16. The FRMP outlines that the consequences of an external jet fire at a container vent were assessed based on a thermal event involving 3 modules. In this regard it is noted that UL 9540A testing of the EnerX system concluded that no module to module or rack to rack propagation is observed. The assessment concludes that thermal radiation levels corresponding to 1% fatality do not extend to any off site receptors.

9.5.17. Table 6.1 of the FRMP sets out a risk evaluation of the BESS development including Battery Manufacturing Defects, Thermal Abuse of Batteries, Mechanical Impact, External Fire and Vandalism. Table 6.1 identifies preventative measure and mitigation which have been incorporated within the design to negate against risks. The residual risks are identified as ranging from very low and reduced to a minimum.

Emergency Response Plan

9.5.18. An Emergency Response Plan is attached as Annex 4 of the applicant's Section 132 response. The ERP addresses potential hazards associated with the development including Thermal Runway (Toxic and Flammable Off-Gas Generation and Dangerous Substances – Environmental Hazards), Electrical Hazards and Other Hazardous Substances.

9.5.19. Section 3.1.1 of the ERP specially relates to toxic and flammable off-gas generation and outlines that in the event of a BESS cell going into thermal runaway there is potential for harmful off gasses including hydrogen fluoride (HF), carbon monoxide (CO) and carbon dioxide (CO2), hydrogen, methane and ethylene to be produced. This can lead to jet fire events, dispersion of flammable gas which if ignited could result in explosion events and the dispersion of toxic gas. Consequence modelling

was undertaken and it was concluded that toxic dose levels corresponding to 1% fatality outdoors could extend up to 300 m from the container (based on F2 nighttime weather conditions). Distance to thermal radiation levels corresponding to 1% fatality outdoors from a jet fire event could extend up to 23 m from the container. The flame footprint could potentially extend to the woodland area and therefore some water cooling may be required to protect the woodland. I am satisfied that the modelling represents a worst-case scenario as the consequence modelling was conservatively based on 3 modules being in thermal runaway simultaneously. However, UL 9540A testing results on the EnerX batteries concluded that no module-to-module propagation would occur.

9.5.20. Section 4 of the ERP sets out the Emergency Response and outlines that the finalised Emergency Response Plan will be distributed to the Cavan County Council Fire Service, the applicant and remote system operators and sets out protocols for Alarm Activation. The ERP outlines that while the site is unmanned it will be monitored and controlled and a local contact will act as an emergency coordinator. Contingency Plans are set out for Fire Events, Chemical and Oil spillages and Extreme Weather. Section 5 outlines that the Plan will be reviewed and updated on a regular basis.

9.5.21. A number of the submissions on the applicant's Section 132 response outline that the Emergency Response Plan document includes an Appendix in Chinese. I refer to correspondence issued by the Commission to the applicant on the 18th of February 2026 wherein an English version of pages 13 to 23 of the CATL report was requested. The applicant's response outlines that pages 1-12 of the report attached to Annex 4 provides the document in English. Pages 13 -23 of the report provide a duplicate of the report in Mandarin.

Conclusion

9.5.22. On the basis of the information submitted in conjunction with the applicant's Section 132 response I am satisfied that the applicant has provided sufficient information in relation to fire risk and mitigation at the site. I have reviewed the Fire Risk Management Plan and Emergency Response Plan and I consider that the documents are site-specific and provide a comprehensive evaluation and review of

the potential for fire hazard and fire risk, and set out appropriate mitigation and response protocol for a fire incident at the development.

9.5.23. In the instance that the Commission is minded to grant permission for the development I recommend the inclusion of a condition that a finalised Fire Risk Management Plan and Emergency Response Plan is submitted to Cavan County Council for written agreement prior to the commencement of development.

9.6. Water Supply for Fire Fighting Purposes

9.6.1. No water supply was proposed as part of the initial application. Section 2.6 of the Planning and Environmental Report submitted in support of the application outlines that a dedicated water source is not required due to infrequent use and instead a rainwater harvesting system will be incorporated.

9.6.2. The appeals on the application raise significant concern in relation to the lack of water supply in the context of a fire event at the facility. The appeals outline that the area in the vicinity is served by Cavan mains supply and cite issues associated with low water pressure and low water supply. The observations outline that no consultation was undertaken with Uisce Éireann in respect of the proposal.

9.6.3. Cavan County Council's request for further information requested the applicant to submit full details of the proposed fire-fighting system. The FI request outlines that if water is to be the preferred extinguishing media the applicant should provide details of water supplies at the proposed site. The applicant's FI response outlines that while precise details of the proposed fire-fighting procedures have not yet been furnished to the Planning Authority; the Applicant is committed to working closely with Cavan County Council, as part of the detailed design process for the proposed development, to ensure that the most-appropriate fire-fighting infrastructure is provided for at the proposed development site.

9.6.4. I note that there is no Fire Officer Report on the applicant's FI response. The applicant's FI response outlines that following consultation and discussions in relation to matters related to fire safety, Mr. Dunne (Fire Officer CCC) has advised that should planning permission be granted for the proposed development, a condition of consent should be applied stating:

The applicant shall provide adequate water supply for firefighting purposes at the site (via a mains water supply and hydrant connection or other alternative source e.g. static water storage arrangement) in accordance with the recommendations of the Chief Fire Officer.

Reason: In the interests of fire safety and public health and safety.

9.6.5. The condition acknowledges the requirement for adequate water supply for firefighting purposes. While I note that the above condition is not incorporated within CCC's notification of decision to grant permission for the development I refer to the requirements of Condition 4 of the PA decision as follows:

4. Prior to the commencement of development, full details of the final layout and design of the project, including specifications of the infrastructure to be installed and the relevant fire safety, fire suppression and firefighting measures to be provided, shall be agreed in writing with the Planning Authority.

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

9.6.6. Section 7.8 of the Development Management Guidelines 2007 suggests that water supply for firefighting is relevant to proper planning and sustainable development. Experience of actual BESS fires indicates that water is the only method for managing a thermal runaway fire. The 2023 UK National Fire Chief 's Council Guidance states a minimum of 1,900 litres per minute of water for 2 hours, should be provided. Having regard to the requirement for large volumes of water on site to accommodate the proposed BESS development, I considered that there were significant information deficiencies within the application in relation to the source and storage of water on site. I did not consider that this could be appropriately addressed by means of condition.

9.6.7. Item 5 of the Commission's request for further information requested the applicant to provide information in relation to firefighting water including (a) details of how permanent firefighting water will be provided in accordance with the specification set out within UK National Fire Chief's Council (NFCC) Grid Scale Battery Energy Storage System Planning - Guidance for the FRS (Fire & Rescue Services), which states that provision should be made for BESS units to provide 1,900 litres of water for 2 hours, as a minimum (b) details of how fire-fighting water will be sourced and /

or retained within the proposed development site (c) liaise with Uisce Éireann in relation to any proposed connection to the public water supply.

9.6.8. The applicant's FI response outlines that following consideration of the UK National Fire Chiefs Council (NFCC) Grid Scale Battery Energy Storage System Planning - Guidance for the FRS (Fire & Rescue Services) a water holding tank has been proposed as part of the firefighting provision. Fire-fighting water is supplied via a 271m^3 capacity water supply tank which will feed the hydrants on site. I am satisfied that the capacity of the storage tank at 271m^3, would exceed the NFCC guidance of 1,900 litres of water for 2 hours (228m^3) as cited within the Commission's Section 132 request. The National Fire Chiefs Council (NFCC) updated its guidance on grid-scale Battery Energy Storage Systems (BESS) in December 2025, replacing the 2023 version as cited within the Commission's Section 132 request. This guidance sets out a requirement for 180,000 litres for 2 hours. The capacity of the proposed water holding tank exceeds this requirement. The applicant's updated Flood Risk Assessment and Drainage Plan outlines that the site layout incorporates dedicated on-site firefighting water storage with a capacity of 271 m^3 (i.e. NFCC guidance 2023 + 20% / NFCC guidance 2025 + 50%).The storage tanks supply hydrants located adjacent to the BESS infrastructure.

9.6.9. In terms of the source of firefighting water, Section 5.2 of the updated Flood Risk Assessment and Drainage Plan outlines that An Uisce Éireann (UE) public water main is located adjacent to the site and provides a primary source of firefighting water. The applicant's Section 132 response outlines that a pre connection application has been made to verify capacity, with confirmation pending from UE. The correspondence attached as Appendix G of the document is a pre connection enquiry to Uisce Éireann.

9.6.10. The applicant's Further Information response was circulated by the Commission to Uisce Éireann for comment. I refer to the submission on the applicant's FI response received by the Commission which outlines that the water connections to the site are feasible. The submission recommends that in order to guarantee a flow to meet the Fire Authority requirements the applicant needs to provide adequate fire storage capacity within the proposed development that has a minimum 12-hour refill time but ideally can provide for a 24-hour refill time. I am satisfied that this can be addressed by means of condition in the instance of a grant of permission.

9.6.11. The third-party submissions on the applicant's FI response refer to low capacity and low water pressure within the area. This is reflected within the submissions on file from Uisce Éireann as detailed above. The applicant's FI response outlines that the storage tanks supply hydrants located adjacent to the BESS infrastructure and provide the firefighting water volume required under the NFCC guidance. In this regard, the firefighting strategy for the site does not rely on the public water main to deliver the full firefighting flow rate in real time. The role of the public water main is to fill and maintain the on-site storage volume over time, such that the stored firefighting water capacity can be kept available irrespective of instantaneous flow capacity at the main.

9.6.12. On the basis of the information set out within the application and the applicant's response to the Section 132 request and the submission on the applicant's FI response by Uisce Éireann, I am satisfied that sufficient water for the purposes of firefighting can be provided and stored on site in accordance with NFCC Guidance.

9.7. Water Quality & Water Framework Directive

9.7.1. The appeals on the application and third-party submissions on the applicant's Section 132 request raise significant concern in relation to the impact of the development on surface water (including the Annagelliff River which traverses the site) and ground water quality. The submissions question the capacity of the drainage infrastructure to accommodate and effectively treat contaminated fire water and outline that the proposed development is not in accordance with the provisions of the Water Framework Directive.

Section 132 Request

9.7.2. The issue of impact of the development on water quality was raised within the Commission's request for further information. Under Item 6 the applicant was requested to submit details of firewater storage on site and proposed mitigation measures. The applicant was also requested to consider the proposal in accordance with the Water Framework Directive. An Updated Flood Risk Assessment and Drainage Strategy dated February 2026 was submitted in response to the Commission's request for further information. For the purposes of clarity, I have had

regard to the information set out within this report for the purposes of my assessment.

Site Characteristics and Proposed Development

9.7.3. The Annagelliff River flows northward along the eastern site boundary then westward through the northern parts of the site. EPA mapping identifies that water flows in a western direction through the site. It joins the Green Lough Stream, which discharges to the Cavan River approximately 4 km south-west of the site. Cavan River flows in a northerly direction to the lake complex of Lough Oughter, which contains two European site designations, namely the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA.

9.7.4. The proposed development includes partial culvert of the Annagelliff River within the site to facilitate an access road. The FRA outlines that the principle of a track / crossing at that location is established by an existing field access and existing culvert. The Updated Flood Risk Assessment includes a site-specific hydraulic model of the River which was developed to inform the FRA. This outlines that the proposed built development is outside of Flood Zone A and B as illustrated in Figure 3.3. Section 3.4.1 of the FRA outlines that existing and proposed culvert scenarios were modelled in order to determine the effect on flood levels. This determined that the proposed culvert would have no impact on flood levels upstream or downstream of the culvert outside of the site. Within the site, a small, localised effect is identified upstream of the culvert of less than 150mm in a rural area where no development is proposed. The FRA outlines that the development complies with OPW Section 50 standards.

9.7.5. At operational stage the proposed development incorporates SUDS measures. The Drainage Strategy outlines that runoff from the development will be conveyed by filter drain to an attenuation basin on site. These will be conveyed at greenfield rate by swale to Annagelliff River.

Water Framework Directive

9.7.6. The appeals on the application outline that the proposal is not in compliance with the objectives of the Water Framework Directive. Item 6 of the Commission's request for further information requested the applicant to submit a revised drainage strategy for the site which considers the proposals in accordance with the requirements of the

Water Framework Directive. This point is addressed within the updated Flood Risk Assessment and Drainage Plan submitted in conjunction with the applicant's response to the Commission's request for further information. Section 6 of the report sets out a review of the proposal in the context of the objectives of the Water Framework Directive.

Surface Water

9.7.7. The Annagelliff River is located within the Cavan _ 010 river water body catchment. This waterbody is classified as Poor Ecological Status (Status 2010-2015, 2019-2024) as illustrated on the EPA mapping (https://gis.epa.ie/EPAMaps/ Water). Such designated waterbodies must be improved to at least a Good Ecological Status in accordance with the requirements of the Water Framework Directive. The waterbody is designated as being at risk. Significant pressure identifies for the waterbody include Agriculture and Urban run-off.

Groundwater

9.7.8. The site is located within the IE-NW-G-061 ground waterbody. The status of this waterbody is stated as Good in 2019-2024. This ground waterbody is cited as not being at risk and no pressures are identified. Geological Survey Ireland mapping identifies that the underlying bedrock geology of the site comprises the Red Island Formation consisting of greywacke, microconglomerate and argillite. Groundwater vulnerability in the area is classified as extreme on EPA mapping.

WFD Pressures

9.7.9. Section 6.3 of the Flood Risk Assessment and Drainage Strategy addresses the potential WFD pressures. Section 6.3.1 outlines that the construction phase of the development will include site clearance and construction of hardstanding areas and the provision of a replacement culvert of the Annagelliff River. The report outlines that potential Water Framework Directive relevant pressures arising during construction include mobilisation of suspended sediments from exposed ground and disturbed channel margins, generation of sediment laden runoff during rainfall events, and accidental release of fuels, oils, wet concrete or other construction materials from plant and activities. Temporary alteration of surface water flow paths and localised disturbance of the watercourse bed and banks may also occur during construction of the crossing and prior to completion of permanent drainage

infrastructure. The report outlines that the construction activities will be temporary in nature and confined to the defined site footprint.

9.7.10. Section 6.3.2 outlines that the operational phase of the development comprises a fixed Battery Energy Storage System infrastructure located on impermeable surfaces, with associated access areas and a permanent surface water drainage system incorporating Sustainable Drainage Systems. Potential WFD relevant pressures during the construction phase of the development are identified as including surface water run-off and limited loss to groundwater.

9.7.11. Section 6.6.3 of the report specifically addresses emergency conditions including the generating of contaminated firefighting water in the event of a fire at the development. The report outlines that the drainage and surface water management system has been designed to accommodate this scenario. Firefighting water will be retained in an impermeable, lined subbase storage area with isolation valves preventing both surface water discharge and infiltration to groundwater as illustrated on Drawing no. DWG_100 prepared by McCloy Consulting. The report outlines that the capacity of the firewater storage area substantially exceeds regulatory best practice requirements. Stored water is subsequently removed by licensed contractor for appropriate disposal. In this regard the report outlines that no pathway exists for contaminated firewater to surface or ground waterbodies.

Drainage Design and Pollution Prevention Measures

9.7.12. Section 6.4 of the report relates to drainage design and pollution prevention measures. The report outlines that construction activities will be undertaken in accordance with recognised best practice guidance for works in proximity to surface waters. Temporary drainage and surface water management measures will be implemented during construction to control runoff and manage water arising from works until the permanent drainage system is in place. During operation surface water runoff from impermeable areas is managed by permanent drainage systems incorporating SUDS. In the event of a fire involving VESS infrastructure the drainage provides for on-site retention and management of firefighting water through drainage isolation and storage within lined infrastructure.

WFD Conclusion

9.7.13. Table 6.1 of the report includes a Water Framework Directive Article 4 Assessment. The Assessment concludes that the proposed development will not result in deterioration of the status of the CAVAN_010 river waterbody or the IE_NW_G_061 ground waterbody and will not prevent their achievement of their applicable Water Framework Directive objectives. The proposed development is therefore compliant with the objectives of the Water Framework Directive.

Consideration of Grounds of Appeal & Section 132 Response Submissions

9.7.14. The submissions on the applicant's Section 132 response question the effectiveness and robustness of the proposed mitigation measures and their effectiveness in protecting grounds and surface water quality. In particular the submissions question the effectiveness of the proposed emergency firewater strategy for the site and the storage capacity of the firewater storage tanks.

9.7.15. In considering the issues raised I refer to the specific measures to prevent run off/pollution from the site at construction and operational phase of the development are detailed within updated Flood Risk Assessment and Drainage Plan, the NIS, and the Outline Construction Environmental Management Plan (CEMP). I consider that the measures set out within the application documentation which include adherence with relevance guidance for in stream culvert works and monitoring of ground and surface water discharge from the site are comprehensive, have been designed on the basis of the site characteristics, and would negate against water pollution from the site. I consider that adherence to the measures outlined will ensure pollutants will not be discharged from the site and no further deterioration in the water quality will arise as a result of the proposal.

9.7.16. The proposed containment of firewater in the instance of an incident on site is in accordance with NFCC guidance. The applicant's Drainage Strategy outlines that the Design and assessment of containment and control of potentially contaminated firefighting water is informed by the UK "Prevention Guidelines (PPG) 18: Managing Firewater and Major Spillages" which, in the absence of Irish guidance, sets out best practice requirements for containment of runoff likely to carry firefighting contamination. Firefighting water is directed to the site drainage system and retained within a lined containment areas beneath the BESS platforms. The discharge of the

drainage network is prevented by a pollution control shut off valve. Firewater will be transported to a licenced facility for disposal.

9.7.17. The Drainage Strategy outlines that the volume of storage is 910 m^3 which significantly exceeds volume of water recommended to be stored on site for firefighting purposes within the NFCC guidance (180,000 litres) and the capacity of the proposed water storage tank, and includes significant additional capacity for additional water sourced by fire trucks or connection to public mains. The Fire Risk Management Plan outlines that the storage volume of the lined gravel subbase exceeds minimum requirements and sufficient containment of water until contaminated water can be removed and disposed of safely. I am satisfied that sufficient capacity has been provided to accommodate firewater within the design of the development.

9.7.18. Having regard to the information submitted I am satisfied that the BESS would be designed to appropriate standards which seek to minimise the potential for contaminated fire-water run-off, including the use of containerised battery and integrated fire detection and suppression systems. In the event of a fire incident, I am satisfied that the proposal is designed to ensure no hazardous materials would enter drains, watercourses or the surrounding environment.

Conclusion

9.7.19. An assessment of the proposed development has been undertaken in accordance with Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed by the European Communities (Water Policy) Regulations 2003, as amended, and with regard to the Eastern/Southeastern River Basin Management Plan 2022–2027.

9.7.20. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include the Cavan _ 010 river waterbody, currently classified as poor status under the River Basin Management Plan. The site is located within the IE-NW-G-061 ground waterbody. The status of this waterbody is stated as Good and the Groundwater vulnerability in the area is classified as extreme on EPA mapping.

9.7.21. Having regard to the nature, scale, and location of the proposed development, and the mitigation measures incorporated into the design, it is concluded that the proposed development will not:

- Result in deterioration of the ecological, chemical, or quantitative status of any relevant surface water or groundwater body;
- Increase pollutant loading or alter the hydrological regime of any receiving watercourse;
- Prevent or impede achievement of environmental objectives under the applicable River Basin Management Plan.

9.7.22. Any residual risks are capable of being addressed through the proposed mitigation measures and implementation of a Construction Environmental Management Plan (CEMP). The proposed development is considered to be in compliance with the requirements of Article 4 of the Water Framework Directive.

9.8. Visual Impact

9.8.1. The appeals outline that the proposed development would lead to negative visual impacts on the receiving environment. A Landscape and Visual Impact Assessment (LVIA) and Photomontages were submitted in conjunction with the application.

9.8.2. In terms of site characteristics, the LVIA outlines that the proposed BESS compound site comprises a small pastoral field and an area of scrub woodland close to a stream that flows into the Cavan River to the south. It is bound to the east by a regular block of coniferous woodland plantation and is 320m to the south of the L2035 local road. The site forms a small part of an irregularly enclosed pastoral farmland landscape that sprawls across the winding Cavan River Valley, east of Cavan. This river valley sits within a wider drumlin landscape, that has a gently rolling character, albeit tall hedgerows and successive layers of vegetation in the landscape reduce the perception of this character.

9.8.3. The site is located within an extensive area of landscape character defined as “The Lakeland” within the Landscape Character Assessment set out within the Cavan County Development Plan. The Development Plan outlines that: “*The 'Lakeland' area is an extensive area of inland lakes within the Erne drainage system. This area lies in West Cavan and encompasses the Belturbet to Butlersbridge area extending south to Killeshandra, Arva, Lough Gowna and Ballinagh*”. The site is not located within a Scenic Route or within the path of a Scenic View as defined within Appendix 16 of the Cavan County Development Plan.

9.8.4. 4 no. photomontages were submitted in support of the application illustrating existing and proposed viewpoints from the following locations:

- 1 View from the Top Road
- 2 View from the L2035
- S 3 View from the L2035 / L6038 intersection
- 4 View from the L6038

9.8.5. Viewpoints 1-4 demonstrate the views that would be experienced from locations in the surrounding landscape, and the screening influence that the existing built form and layers of intervening vegetation play in substantially precluding views of the proposed development.

9.8.6. In relation to assessment viewpoints 1-4 and residential receptors to whom the development may be visible, the magnitude of change is deemed to be no greater than Negligible. When combined with the Low sensitivity of the visual receptor, the LVIA outlines that the overall significance of effect is considered to be no greater than Imperceptible / Neutral, in recognition of the negligible degree to which it would influence views.

9.8.7. The appeals raise concern in relation to the limited viewpoints assessed within the LVIA. The submissions on the applicant's Section 132 response outline that the response does not include updated application documentation. In this regard I note that an updated LVIA and photomontages were not submitted in conjunction with the Section 132 response to reflect the revised layout. However, I am satisfied that the proposed changes to the layout would not significantly alter the visual impact of the development from the receiving environment.

9.8.8. Having regard to the distance of the site from the public road, nearest residential dwellings and the flat nature of the site, including the existence of mature hedgerow along the boundaries and considering that the proposed structures are considered relatively low-level (Inverter & Transformer (PCS) structures being 2.2m in height; the and the BESS structures being 2.89m – 3.046 in height, water tank 2.4m, Power Control Centre 4.3m and 2.6m perimeter fence) I am satisfied that the siting of the development as proposed is unlikely to have a major visual impact on the surrounding area.

9.9. **Impact on Residential Amenity**

9.9.1. The appeals on the application raise concern in relation to the impact of the proposal on residential amenity and devaluation of property in the vicinity of the site as a result of the proposal. The concerns raised in this regard relate to visual amenity, noise impact, disturbance associated with traffic and light spillage. I have addressed the health and safety and fire risk concerns raised by the appellants in Section 9.5 of this report.

9.9.2. The surrounding vicinity is rural and there is low-density one-off housing throughout the area. The nearest residential dwellings to the proposed site entrance are located c.45m to the north and c.80 to the west. The nearest residential dwelling to the proposed BESS compound is located c. 300m to the southeast.

9.9.3. With regard to the issues of loss of visual amenity, I consider that having regard to the separation distance between existing residential units and the proposed development site, the scale of the development and existing and proposed landscaping, the development will not have an undue negative visual impact on the amenities of property within the vicinity.

Lighting

9.9.4. The appeals raise concern in relation to the impact of lighting on residential amenity and the character of the existing rural area. The applicant's appeal response outlines that limited security lighting will be provided for the site, and this will be cowled towards the site to negate against light spillage.

9.9.5. On an overall basis I consider that insufficient information has been provided within the application in relation to lighting proposals for the site. I refer to the requirements of Condition 5 (a) of CCC's notification of decision to grant permission for the development which outlines that *"No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission"*. I recommend the inclusion of a condition to this effect in the instance that the Commission is minded to grant permission for the development.

Noise Impact

9.9.6. The application is accompanied by a Noise Impact Report which identified the noise impact in terms of the stages of the proposed development from construction phase;

operational phase and decommissioning phase. An updated Noise Impact Assessment was submitted in response to the Commission's Section 132 request (dated February 2026).

9.9.7. The appeals on the application raise concern in relation to the scope and content of the submitted Noise Impact Assessment. The appeals on the application and submissions on the applicant's further information response question the baseline survey location and the accuracy of noise modelling in the absence of specifications for the development. The issue of cumulative noise impact associated with the proposal and the existing substation is questioned.

9.9.8. For the purposes of clarity, I have had regard to the information set out within the updated Noise Impact Assessment dated February 2026 and submitted in response to the Commission's request for further information. Noise monitoring was undertaken continuously over the period 23rd to the 27th August 2023 at a single representative location, the residential dwelling to the north of the site. The noise report outlines that the site falls outside the categories of 'Quiet Area' as defined within the EPA guidance document NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) and the category of 'Area of Low Background Noise'. The following noise limits are deemed applicable:

- Daytime Noise Criterion, dB LAr,T - (07:00 to 19:00hrs) 55 dBA
- Night-time Noise Criterion, dB LAeq,T - (23:00 to 07:00hrs) 45 dBA

9.9.9. At operational phase the report outlines that the main sources of noise at operational phase of the development will include: battery container units, inverter/PCS units, and Transformers. Sound power levels for each of these components are set out in Table 4.1 of the NIA.

9.9.10. Section 5.0 of the report identifies an existing 5 no. noise sensitive receptors in the vicinity of the site labelled NSR 1 to NSR 5 as illustrated in Figure 5.1. These include existing residential properties located to the north, south, east and west of the site. Separation distances range from 300m to 500m.

9.9.11. The report outlines that during the construction phase and decommissioning phase, noise is likely to be generated from plant and machinery, construction traffic and

personnel travelling to and from the site. Construction Phase noise levels are detailed in Table 7.1 of the report, these range between 53.8 (NSL 5) and 58.2Db (NSL 1). The noise levels are purported to be below the limit values 70dB during daytime hours. The NIA outlines that construction activity will be restricted to daytime hours Monday to Saturday only.

9.9.12. Table 7.2 of the report outlines that daytime noise levels associated with the operational phase of the proposed BESS facility will range from 38.8dB (NSR 2) to 42.7 dB (NSR 4) at nearest noise sensitive receptors. Nighttime noise levels range from 33.5 dB (NSR 5) to 38.2Db (NSR 1).

9.9.13. In Table 7.3 of the NIA a rating penalty of +3 dB(A) has been applied to the predicted noise levels to account for the character of the sound, reflecting the potential for noise emissions from the proposed development to be perceived as industrial in nature within an otherwise rural environment. The NIA outlines that the development remains compliant with noise limits at noise sensitive receptors even with the inclusion of this penalty as illustrated on Table 7.4.

9.9.14. Cumulative Impacts is addressed within Section 8 of the NIA. Table 8.5 outlines that Potential Cumulative noise levels associated with the BESS facility, the extant substation at Shankill and the future substation adjacent to the BESS facility remain within daytime and nighttime noise limits at all Noise Sensitive Receptors.

9.9.15. The report concludes that the proposed development will not result in any breach of the WHO criteria. On this basis, it is considered that there will be no adverse noise impact on the local population or on human health.

Grounds of Appeal & Submissions on Section 132 Response

9.9.16. The submissions on the applicant's Section 132 response raise concern in relation to the scope and content of the Updated Noise Impact Assessment. The submissions outline that the baseline noise survey was taken at a location close to the L2035 and Top Road and is influenced by traffic noise and question the cumulative noise impact of the development when taken in conjunction with the future proposed substation and existing Shankill 110kV station. The submissions furthermore outline that the baseline survey data is outdated, question the accuracy of the assumptions in the absence of the identification of the specifications of the BESS units, outlines that the

Sound Power Levels of the containers exceed criteria and the presence of continuous low frequency noise in a rural area.

9.9.17. On review of the updated NIA, I am satisfied that the concerns raised by third parties are sufficiently addressed within the report. The report acknowledges the rural location of the site and applies a penalty of 3dB to operational noise levels. I am also satisfied that sound power levels have been provided for construction and operational phase plant and equipment. Noise emanating from these structures would be reduced by distance to noise sensitive receptors. I am also satisfied that the updated NIA addresses cumulative noise impacts associated with the existing Shankill station and future substation on site.

9.9.18. In conclusion, I am satisfied that the development is not likely to result in any significant noise effects at nearest sensitive noise receptors. Cavan County Council raised no objection to the proposal on noise impact. I refer to the requirements of Condition no. 13 of CCC's notification of decision to grant permission for the development which relates noise management measures for the construction phase of the development. In the instance that the Commission is minded to grant permission for the development I recommend the inclusion of a specific condition relating to adherence to noise limits and noise monitoring at the site.

Devaluation of Property

9.9.19. I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

9.10. **Access and Traffic Impact**

9.10.1. The third party appeals and submissions on the applicant's Section 132 response raise concern in relation to the proposed access arrangements. The appeals refer to the restricted nature of the L2035 in the vicinity of the site and its restrictions to accommodate Construction and Emergency Vehicle traffic associated with the proposal. The appeals outline that traffic volumes on the L2035 are underestimated and traffic volumes associated with the development at construction and operational phases are understated.

9.10.2. The submissions on the applicant's Section 132 response raise concern in relation to the provision of a single access point to the development and outline that the proposed layout does not incorporate provision of multiple access routes to the site, adequate internal circulation routes for emergency vehicles, suitable turning areas for fire appliances and compliance with NFCC emergency vehicle access standards.

Existing and Proposed Access

9.10.3. Access to the site is currently provided via a gated agricultural entrance from the L2035. The L2035 is local road between Cavan town to the west and Shankill Upper to the east. The Road Safety Audit (RSA) submitted in conjunction with the application outlines that the L2035 is subject to a legal speed limit of 80km/h within the vicinity of the site.

9.10.4. The traffic survey undertaken to inform the Road Safety Audit outlines that operational speed of the road is in the order of 70km/hr. The RSA outlines that the narrow carriageway is the main contributor to the low operating speed of the road. The RSA outlines the required visibility splay provision for an operational speed of 70 km/hr as set out within Appendix 4 of the CCDP is 120m at a setback of 3.0m. The upgrading of the site entrance, and the provision of appropriate sightlines, will require the removal of c. 95m of roadside vegetation (hedgerow). Table 3 of Appendix 4 allows a relaxation to a setback of 2m on accesses from lightly trafficked regional and local roads.

9.10.5. I note that under national speed limit changes enacted in February 2025, the default speed limit for rural local roads was reduced to 60 km/ph. Appendix 4 of the Cavan County Development Plan entitled "Sightline Visibility for Junctions and Direct Accesses" sets out a requirement for 90m at a setback of 3m for roads with an operational speed limit of 60 km/ph.

9.10.6. The proposed development seeks permission to upgrade the existing agricultural entrance, in order to comply with minimum safety standards for the sightlines required to facilitate the access and egress of HGVs to/from the site. Figures 3.3 and 3.4 of the RSA illustrate sightlines of 120m in both directions at the proposed site entrance at a 2m setback to the east and west of the entrance. I am satisfied that adequate sightlines are provided at the proposed site entrance to accommodate the development in accordance with Development Plan Standards.

9.10.7. The proposed entrance gates will be set back a minimum of 18m from the road edge. I am satisfied that the proposed set back is sufficient to negate against traffic including HGVs or emergency vehicles parking on local road before accessing the proposed development site.

Local Road Network

9.10.8. The appeals on the application raise concern in relation to the restricted nature of the L2035 in the vicinity of the site and its capacity to accommodate HGV's and emergency vehicles associated with the construction and operational phases of the development.

9.10.9. The Road Safety Audit (RSA) submitted in support of the application outlines that the carriageway width varies from 5.0m to 5.5m in the vicinity of the entrance location and outlines that the carriageway widths allows for vehicles to pass at low speeds. The applicant's appeal response outlines that the construction phase of the development would be managed in accordance with a traffic management plan. The Construction and Environmental Management Plan (CEMP) submitted in conjunction with the applicant's Section 132 response outlines that access and egress of construction vehicles will be controlled to designated locations, along defined routes. The RSA outlines that due to the rural location of the site the delivery route for construction traffic should aim to minimise impact on the local road network. The proposed route from the N3 is illustrated on Figure 4.1 of the RSA. This route provides the shortest connection to the N3 National Road minimising the extents of local road network to be traversed by constriction traffic. Deliveries will also be scheduled to ensure that inbound and outbound delivery vehicles do not meet on the L2035 local road network.

9.10.10. I refer to the requirements of Condition no. 13 of CCC's notification of decision to grant permission for the development which sets out the requirements for the submission of a Traffic Management Plan for written agreement of the Planning Authority for the construction phase of the development prior to the commencement of development. I am satisfied that the this would assist in minimising disruption to the local road network during the works and in managing vehicle passing movements.

Traffic Impact

9.10.11. The third-party appeals raise concern in relation to traffic impact associated with the development. Section 4. 0 of the Road Safety Audit outlines that traffic movements associated the construction phase of the project will include a minimum of 679 no. HGV trips required over an 18-month period – this equates to 2 no. daily trips and trips generated from personnel accessing the site is estimated at 10 no. per day. This equates to 1% temporary growth in traffic on the L2035 during the construction phase of the development. I am satisfied that this is well below the '10% of the traffic flow on the adjoining road' threshold value for Traffic Impact Assessments as set out in the Department of Transport 'Traffic Management Guidelines'.

9.10.12. The RSA outlines that traffic volumes during the operational phase of the development are minimal as the site will be monitored remotely, with approximately 1-2 visits per month. The RSA concludes that the proposed access onto the L2035 will operate in a safe manner during both the construction, operation, and decommissioning phases of the proposed development.

9.10.13. I note the concerns raised within the grounds of appeal which outline that existing traffic volumes on the local road as set out within the RSA are understated and undertaken during in the off-peak summer period, when traffic volumes on the local road network are reduced. The submissions of the applicant's Section 132 response include photographs of congestion on the local road network during the May 2026 fuel protests. However, as detailed above, traffic to the appeal site at construction phase of the development will be managed in accordance with a Traffic Management Plan which would include measures including the timing of HGV access to the site outside of peak periods on the local road network, I am satisfied that this would negate against traffic impact on the adjoining road network.

9.10.14. On the basis of the information set out within the application and appeal documentation and having regard to the characteristics of the proposed development I am satisfied that the proposed development is not a scale or format of development which would generate significant traffic volumes on the adjoining road network.

Emergency Fire Access & Internal Road Layout

9.10.15. The third-party appeal and submissions on the applicant's Section 132 raise specific concern in relation to the emergency vehicle access in the event of a fire incident on site. In this regard the submissions refer to the provision of a single access point to the development and outline that the proposed layout, as revised in response to ACP's Section 132 request, does not incorporate provision of (i) multiple access routes to the site, (ii) adequate internal circulation routes for emergency vehicles and (iii) suitable turning areas for fire appliances. In this regard the submissions outline that the development is not in compliance with NFCC emergency vehicle access standards.

9.10.16. The NFCC guidance "Grid Scale Energy Storage System Planning – Guidance for Fire and Rescue Services" 2025 outlines that suitable facilities for safe access and egress to the site should be provided. Designs should be developed in close liaison with the local fire and rescue service, as specific requirements may apply due to variations in vehicles and equipment. The Guidance document outlines that while it is preferable to have an alternative access point, taking account of the likely wind direction, if the provision of an alternative access point is not practicable, an alternative may be to provide a perimeter 'loop' type of vehicle access around the site.

9.10.17. In considering the grounds of appeal and the guidance set out within the NFCC document I note that the application was subject to review from the Fire Officer in Cavan County Council and a request for further information was issued in respect of the proposal on foot of the recommendations of the Fire Officer's Report. Item 3 of the FI request related to access arrangements and outlined that: *The proposed site access route should comply with the design specifications for access routes and hardstanding areas for a pump type appliance contained in 5.2.4 of Technical Guidance Document B*.

9.10.18. The applicant's response to CCC's request for further information outlines that the development complies with the relevant standards set out within Section 5.2.4 of the Building Regulations Technical Guidance Document B 2024 Fire Safety Volume. Cavan County Council raised no objection to the proposal on grounds of access.

9.10.19. The Fire Risk Management Plan submitted in support of the applicant's response to ACP's request for further information outlines that the revised site layout has been designed to enable safe access by the emergency services to all BESS containers, fire hydrants and ancillary equipment. The FRMP outlines that the proposed development provides for the minimum necessary dimensions for accessibility for pumping appliances as set out in Section 5.2.4 of the Fire Safety Technical Guidance Document B.

9.10.20. The internal access road measures 4 m wide allowing suitable access of fire service vehicles throughout the site. I consider that sufficient space has been provided for circulation and turning of emergency vehicles within the site as illustrated within Figure 5.3 Swept Path Analysis. On an overall basis, I am satisfied that the proposal has been designed to accommodate sufficient fire tender access. I recommend that an Emergency Response Plan is submitted for written approval of the Planning Authority.

9.11. Impact on Wildlife and Ecology

9.11.1. The appeals on the application raise concern in relation to the impact of the proposal on wildlife and ecology of the area. It is stated that the environmental consequences of an incident on the site have not been fully considered. Concerns are raised in relation to proposed lighting impacts on birds and bat populations in the area and lack otter survey to inform the assessment. The submissions furthermore raise concern in relation to potential impacts on the natural environment and ecology due to the possible release of toxic gas emissions, fire, explosion, and contamination of the land and water.

9.11.2. An Ecological Appraisal was submitted in conjunction with the application. A site survey was undertaken in March/April 2023. Section 5.2 of the report sets out details of the baseline site conditions. This outlines that the site is in agricultural land near Cavan town and comprises of improved grassland field and an area of thick scrub. The EcIA outlines that there was no evidence of protected species on site and outlines the following:

- No evidence of badgers or otters utilising the site but there is suitable habitat.

- No evidence of Common Lizards, Smooth Newts, Red Squirrels and Pine Habitat and there is no suitable habitat.
- A limited number of widespread bird species were recorded.
- the site is assessed as having moderate potential for bat foraging. One tree was assessed to have Moderate bat roost potential, but this tree is outside the development area and will be retained.

9.11.3. The EcIA outlines that the magnitude of the impact with regards to protected sites is near-certain Negligible. All other species identified at an all-Ireland level were measured in terms of the potential of the site and proposed development and were determined to be near-certain Negligible.

9.11.4. The EcIA outlines that the site provides suitable habitat for otters and badgers. A Mitigation Plan is provided in Section 6 of the EcIA. The EcIA outlines that all measures identified to protect against protentional impacts on species identified, will be included in a Construction Management Plan (CEMP) relating specifically to pollution prevention and which will be prepared, prior to commencement of the development. The report sets out guidance for lighting on site, timeframe for hedgerow removal (September to February) and species for the hedgerow proposed for the northern section of the site (Hawthorn, Blackthorn and Holly). The report also recommends additional surveys (otter and badger survey).

9.11.5. I consider that species including Otter and Badger may be disturbed during the construction phase, due to noise and activity in proximity to the Annagelliff River, whereby individuals using these watercourses for foraging and commuting may avoid using the area during construction. Whilst there may be some short-term disturbance during construction, I consider this is unlikely to be a significant effect for the species.

9.11.6. A Construction and Environmental Management Plan was submitted in conjunction with the applicant's response to the Commission's request for further information. Section 5.7 of the CEMP sets out guidance for ecology and habitats and outlines that an ecologist will be appointed for the duration of construction works. I refer to the requirements of Condition no. 15 of CCC's notification of decision to grant permission for the development which outlines that all mitigation measures and associated infrastructure set out within the application documentation shall be

implemented. I recommend the inclusion of this condition in the instance that the Commission is minded to grant permission for the development.

9.11.7. The appeals raise concern in relation to the impact of lighting on birds and bats. On an overall basis I consider that insufficient information has been provided within the application in relation to lighting proposals for the site. I refer to the requirements of Condition 5 (a) of CCC's notification of decision to grant permission for the development which outlines that *"No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission"*. I recommend the inclusion of a condition to this effect in the instance that the Commission is minded to grant permission for the development.

9.11.8. The submissions on the applicant's Section 132 response raise specific concern in relation to the impact of firewater and toxic emissions on ecological receptors in the instance of a fire event on site. I refer to the Emergency Response Plan and proposed firewater containment strategy as detailed within the Fire Risk Management Plan. The firefighting approach considers both the provision of firefighting water and the containment and management of water used during firefighting operations. I am satisfied that the proposed emergency response activities would not give rise to uncontrolled releases to waterbodies or land.

9.11.9. I note that Section 3.1.1 of the Emergency Response Plan addresses toxic and flammable gas generation in the event of a thermal runaway. Consequence modelling was completed in line with HSA Guidance on technical land use planning for planning authorities and COMAH establishment operators. This concluded that toxic gases dose levels could extend 300m from the container on the basis of 3 modules being in thermal runway and in this regard water cooling may be required to protect the woodland. However, the ERP notes that UL 9540A testing results on EnerX batteries concluded that that no module propagation would occur. In terms of air emissions associated with a fire event, I note that no sensitive ecological receptors or habitats are identified on site within the EcIA. I consider that the site is sufficiently distant from designated Natura 2000 sites and designated NHA's, pNHA's to negate against air borne impacts. I am satisfied that sufficient measures have been incorporated to negate against impact of fire event on ecological receptors.

9.11.10. Having regard to the foregoing, I am satisfied that impacts predicted to arise regarding biodiversity and ecology would be avoided, managed and mitigated by the measures which form part of the proposed scheme, proposed mitigation measures, and through suitable conditions. I consider that the proposed development is acceptable in terms of ecology and biodiversity, subject to the implementation of the recommended mitigation measures outlined in the EcIA and CEMP.

9.12. Appropriate Assessment

Grounds of Appeal / Submissions

9.12.1. The appeals and third-party submissions on the application raise a number of concerns in relation to Appropriate Assessment. The key concerns raised relate to water quality impacts, lack of Otter survey data and lack of toxic gas dispersion modelling. I refer the Commission to Appendices 4 (Screening for Appropriate Assessment) and 5 (Stage 2 Appropriate Assessment) which addresses the issues raised within the appeals and third-party submissions.

Appropriate Assessment Screening

9.12.2. I have completed a screening for Appropriate Assessment (Stage 1) and determined that the project may have likely significant effects on the following European sites: Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049). An Appropriate Assessment (Stage 2) is required of the implications of the project on the same. I am satisfied that the possibility of likely significant effects by the project on other European sites could be excluded in view of the nature and scale of the project and those sites' conservation objectives.

Appropriate Assessment

9.12.3. I have considered the Natura Impact Statement submitted by the applicant and all other relevant documentation accompanying the application and completed an Appropriate Assessment (Stage 2) of the implications of the project on the Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049) in view of the sites' conservation objectives. I consider that the information submitted was adequate to allow the carrying out of an Appropriate Assessment.

9.12.4. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the following European Sites Nos. 000007 Lough Oughter and Associated Loughs SAC and 004049 Lough Oughter Complex SPA (Site Code 004049) subject to the implementation in full of appropriate mitigation measures.

9.12.5. This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Lough Oughter and Associated Loughs SAC (Site Code 000007) and the Lough Oughter Complex SPA (Site Code 004049).
- An assessment of in combination effects with other plans and projects including historical projects, plans and current proposals.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049).

9.13. **Other Issues**

Public Consultation

9.13.1. A number of the appeals on the application raise concern in relation to the lack of consultation with the local community in respect of the proposal. In considering the issue raised I note that there is no statutory requirement to undertake such engagement. The application was subject to a statutory public consultation period of 5 weeks. I furthermore note that the applicant's response to the Commission's request for further information was recirculated to parties of the appeal and readvertised. I am satisfied that all concerned parties had the opportunity to make submissions/observations and 3rd party appeals in respect of the application.

Validity of Application

9.13.2. The appeals on the application question the validity of the application and raise particular concerns in relation to the legibility of the site notice and insufficient details within the application drawings.

9.13.3. The appeal response outlines that the planning application was submitted in accordance with the requirements of the Planning and Development Regulations 2001 (as amended) ("the Regulations") and was deemed valid by Cavan County Council.

9.13.4. In terms of procedural matters and the alleged insufficiencies of the public notices I note that the notices were considered acceptable by the planning authority. Having regard to the issues raised regarding the validity of the application, this is within the remit of the Council and while the documentation submitted is noted, it is not considered appropriate or within the remit of the Commission to further comment on these matters. I note that Cavan County Council provided a detailed response to the grounds of appeal including the reference to the validity of the application. I am satisfied that the matters raised did not prevent the concerned party from making representations.

COMAH Regulations

9.13.5. The 3rd party appeals set out a detailed case as to why the application should be subject to COMAH regulations and cross refer to advice from Dr. Edmund John Fordman physicist and engineer in this regard. The applicability of the COMAH regulations is also raised within the observations on the applicant's Section 132 response.

9.13.6. The applicant's response to the grounds of appeal outlines that the proposed development is not of a type or category of development to which the Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations (S.I. No. 209 of 2015). These regulations ('the COMAH Regulations') implement the requirements of the SEVESO III Directive (2012/18/EU) and relate to developments/establishments which present a major accident hazard due to the presence of dangerous substances in quantities that exceed specified thresholds. As the proposed development will not involve the storage of hazardous substances which meet any of the thresholds set out at Annex I of the SEVESO III Directive (2012/18/EU), the requirements of the COMAH Regulations do not apply in this instance.

9.13.7. I refer to the observations on the appeals and the reference to Minister Eamon Ryan's response to Parliamentary Questions on the 16th of April 2024 in relation to

the applicability or otherwise of the COMAH/Seveso Directive to battery energy storage sites. However, contrary to the assertions in the observations I do not consider that the Minister's response confirms that the COMAH Directive applies to BESS developments. The correspondence outlines that the National Directive for Fire and Emergency Management (NDFEM) and the Council Fire Officers work with planning authorities to ensure that energy storage installations are designed and built in a way which ensure fire safety.

9.13.8. In reviewing the grounds of appeal, I note that large scale Lithium-iron BESS developments are not currently subject to the provisions of the Control of Major Accident Hazards (COMAH) Regulations (2015) by the Health and Safety Authority (HSA). In terms of consultation, I note that Cavan County Council referred to application to the HSA and EPA.

Duration of Permission, Operational Lifetime

9.13.9. The observations on the applicant's Section 132 response refer to anomalies within the application documentation in terms of the duration and lifetime of the permission. In this regard the submissions refer to references to both 10 and 35 years.

9.13.10. The application seeks a 10-year duration of the permission. The application documentation sets out a rationale for the proposed 10-year timeframe to ensure that all required supplementary statutory consents can be put in place. I refer to Condition no. 2 of Cavan County Council's notification of decision to grant permission for the development which outlines that "the period during which the proposed development hereby permitted may be constructed shall be 10 years from the date of this Order". I have no objection to the 10-year lifetime of the permission.

9.13.11. The operational lifetime of the development is stated within the application as being 35 years. This relates to the operational lifetime of the development as cited within Condition no. 3 of CCC's notification of decision to grant permission for the development. On review of the application, I am satisfied that there are no anomalies in relation to the duration of the permission (10 years) and operational lifetime of the development (35 years).

Restoration

9.13.12. The submissions on the applicant's Section 132 response outline that insufficient information is provided within the application in relation to the restoration of the site post operation. The submissions outline that no condition is attached to the Council's decision requesting the payment of a bond to ensure the restoration of the site.

9.13.13. I refer to Condition no. 10 of CCC's notification of decision to grant permission for the development which relates to the submission of a restoration plan for the site for written agreement with the Planning Authority prior to the commencement of development which includes a timescale for the restoration of the site on decommissioning of the facility or cessation of operation. I consider that the requirements of Condition no. 10 are sufficient to ensure the restoration of the site on full or partial cessation of the development. I recommend the inclusion of a condition to this effect in the instance that the Commission is minded to grant permission for the development.

9.13.14. I furthermore recommend a condition relating to the payment of a cash deposit/bond of insurance to the planning authority prior to the commencement of development to ensure the satisfactory reinstatement of the site.

Archaeology

9.13.15. An Archaeological Impact Assessment was submitted in support of the application. This outlines that there are no RMP sites within the proposed development site or within 1km of the study area. There are no archaeological features recorded on historic cartographic sources or evidence of archaeological features recorded on aerial photography within the proposed development site. The report recommends that given the size and footprint of the development archaeological monitoring of all excavation works should be undertaken.

9.13.16. I refer to the requirements of Condition no.11 of CCC's notification of decision to grant permission for the development which relates to archaeological monitoring at the site. I recommend the inclusion of this condition in the instance that the Commission is minded to grant permission for the development.

10.0 Recommendation

I recommend that permission is granted for the development in accordance with the following reasons and considerations.

11.0 Reasons and Considerations

The Commission reached its decision in accordance with its duties under Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended, and the requirement to, in so far as practicable, perform its functions in a manner consistent with inter alia the Climate Action Plan 2025 and the furtherance of the national climate objective.

And in coming to its decision, the Commission had regard to the following:

- the provisions of the Cavan County Development Plan 2022-2028 including Development Objective GE 01 which seeks to promote the sustainable improvement and expansion of the electricity transmission and distribution network that supply the county subject to landscape, residential amenity and environmental considerations and Development Objective EDO 06 which seeks to facilitate proposals for energy storage systems and infrastructure which support energy efficiency and renewable energy systems;
- the provisions of the Climate Action Plans (CAP) 2024 and 2025,
- the location, nature, size and scale of the proposed facility and established character and pattern of development in the vicinity,
- the nature of the receiving landscape and absence of any specific conservation amenity designation for the subject lands,
- the purpose of the development to store surplus energy from the existing electricity network
- the mitigation measures proposed for construction and operational phases,
- the submissions on file including those from prescribed bodies, the appellants and observations, and the Planning Authority, and documentation submitted with the application and applicant's Section 132 response, including the Fire

Risk Management Plan, Emergency Response Plan, Noise Impact Assessment, Flood Risk Assessment and Drainage Plan, Ecological Impact Assessment, Construction Environmental Management Plan and Natura Impact Statement,

It is considered that, subject to compliance with the conditions set out below, the proposed development would:

- be in accordance with the provisions of the Cavan County Development Plan 2022-2028 and with national, regional and local planning policy,
- be consistent with the provisions of the Climate Action Plans 2024 and 2025;
- be acceptable in terms of traffic safety and convenience,
- be acceptable in terms of protection of groundwater and surface water,
- not give risk to fire safety, serious pollution, or be prejudicial to public health, water quality or biodiversity and
- not seriously injure the visual or residential amenities of the area or property in the vicinity

the proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

12.0 **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 25th of October 2023 and the further information submitted on the 28/02/2024 and by An Coimisiún Pleanála on 06/02/2026, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of

development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

   Reason: In the interest of clarity.

3. (a) The permission shall be for a period of 30 years from the date of the first commissioning the battery energy storage system. All structures, including the battery container units, control building, and all other permitted equipment and ancillary structures, shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
   (b) Prior to the commencement of development, a detailed Site Restoration and Decommissioning Plan providing for the removal of the battery container units, and all other ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.
   (c) On decommissioning of the facility, the battery arrays and all ancillary structures shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan, and all decommissioned structures shall be removed from the site within 6 months of decommissioning.

   Reason: To enable the planning authority to review the operation of the battery energy storage system over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration.

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interests of clarity.

5. The mitigation measures contained in the Natura Impact Statement (NIS) shall be implemented and shall be supervised by a suitably qualified ecologist.

   Reason: To protect the integrity of European Sites.

6. a) The mitigation measures contained in the Flood Risk Assessment and Drainage Strategy, Ecological Impact Assessment and Construction Environmental Management Plan shall be fully implemented.
   b) An Ecological Clerk of Works (ECoW) with suitable experience shall be appointed to ensure all mitigation measures outlined in the Ecological Impact Assessment and Construction Environmental Management Plan shall be carried out.
   c) The ECoW shall submit a report to the planning authority demonstrating compliance with mitigation measures and ecological considerations both during and post the construction phase.

   Reason: To protect the integrity of European Sites and in the interest of environmental protection and public health and safety.

7. a) Details of the materials, colours and textures of all the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development
   b) Only first generation (new) batteries shall be used in the development. Prior to commencement of development a method statement shall be submitted for the written agreement of the Planning Authority detailing how end-of-life batteries shall be managed and disposed of. End-of-life battery management shall thereafter be undertaken in accordance with the details agreed.

   Reason: In the interest of visual amenities of the area and of environmental management.

8. Prior to the commencement of development, the developer shall submit a final Fire Risk Management Plan (FRMP) and Emergency Response Plan which shall be carried out by a suitably qualified individual for written agreement of the Planning Authority and with input from the Chief Fire Officer. The development shall be constructed and operated in accordance with the agreed plans.

   Reason: In the interests of public safety and biodiversity.

9. The developer shall enter into water connection agreement with Uisce Éireann, prior to commencement of development.

   Reason: In the interest of public health.

10. Prior to the 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, 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 agreed between the planning authority and the developer or, in default agreement, shall be referred to An Coimisiún Pleanála.

    Reason: To ensure the satisfactory restoration of the site in the interest of visual and residential amenity.

11. During the construction stage, all topsoil stripping and ground works associated with the proposed development shall be subject to full time archaeological monitoring by a suitably qualified archaeologist under licence from the Department of Culture, Heritage and the Gaeltacht. Provision shall be made for the resolution of any archaeological features or deposits that may exist within the site. 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. (a) During the operational phase of the proposed development, noise levels, as measured at the nearest noise sensitive location shall not exceed:

    i. An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

    ii. An Leq, 15 min value of 45 dB(A) at any other time.

    iii. The noise at such time shall not contain a tonal component.

    iv. Procedures for the purpose of determining compliance with this limit shall be submitted to and agreed with the planning authority prior to commencement of development.

    v. At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

    (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

    Reason: In the interests of environmental protection and management and to protect amenities in the vicinity.

13. The construction of the development shall be managed in accordance with a finalised 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 a construction traffic management plan, a surface water management plan, intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

    Reason: In the interests of public safety and residential amenity

14. a) No 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) All service cables associated with the proposed development, such as electrical and telecommunication cables, shall be located underground.

Reason: In the interest 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.

15. a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping prepared by a suitably qualified person, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development
b) Existing field boundaries shall be retained and new planting undertaken in accordance with the landscaping plan
c) All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of biodiversity and residential and visual amenity.

16. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best

practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

17. The applicant shall ensure all relevant mitigation measures and associated infrastructure referenced in the application documents are implemented, installed and maintained.

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

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

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

19. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

20. The Planning Authority shall be notified of any change of ownership or transfer to a new operator. Such notification shall be made within two months of the date of change of ownership or transfer.

    Reason: In order to facilitate the continuance of planning conditions and in the interests of ensuring the orderly development of the area.

21. 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 amenities of property in the vicinity.

22. The works on site, including all drainage works and the proposed culvert works to the Annagelliff River, must be carried out in with Inland Fisheries Ireland. Final details shall be submitted for written agreement of Cavan County Council.

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

23. 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.

Stephanie Farrington
Senior Planning Inspector

4th of August 2026

Appendix 1: Consideration of Local Authority Conditions

Condition	Summary of Condition	Included / Excluded in Schedule of Conditions (Section 13.0 above)
1.	Plans and Particulars	Included
2.	Permission Duration	Included.
3.	Operational Lifetime and Decommissioning	Included, but wording amended to require a Decommissioning and Site Restoration Plan.
4.	Final Layout Design, specifications of infrastructure and fire safety and fire suppression measures to be agreed in writing with Planning Authority.	Not included. These details were requested within the Commission's Section 132 request. Alternative condition included.
5.	Lighting, CCTV cameras, fencing and cables.	Included.
6.	Landscaping requirements	Included. Reworded to overall landscaping condition.
7,8 and 9	Waste	Not included as individual conditions. The requirements of these conditions are addressed within condition relating to the submission of a Resource Waste Management Plan.
10.	Restoration Requirements & Plan	Included. Amalgamated with condition re decommissioning.
11.	Archaeological Monitoring during construction	Included.
12.	Public Road kept clear of debris	Included.
13.	Construction Management Plan	Included.
14.	Hours of site development works	Included.

15.	Implementation of mitigation measures and associated infrastructure referenced in application documentation.	Included.
16.	Monitoring Programme for surface waters discharging from the site.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
17.	Daily inspection during construction phase to check for uncontrolled loss or contaminated discharges to groundwater or surface water.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
18.	Direct run off of contaminated discharges to drains or other watercourses shall be prevented	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
19.	Immediate mitigation or alleviation of adverse impacts to surface and groundwater.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
20.	Water quality and environmental protection measures.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
21.	No hydrocarbons shall enter surface waters.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
22.	Incidents of surface or groundwater pollution or incidents which could result in surface or groundwater pollution to be reported to PA.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
23.	During construction and operational phases, uncontaminated surface run-off shall be	Not specifically included. Addressed within CEMP. Condition attached

	collected and managed in accordance with surface water drainage system set out within application documentation.	regarding adherence to mitigation measures within CEMP.
24.	Measures to be undertaken in the event of analyses or observation which indicate contamination of the quality or appearance of surface water	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
25.	Works on site including drainage works, must be carried out in consultation and agreement within Inland Fisheries Ireland.	Included and reworded.
26.	Financial Contribution	Included.

Appendix 2: Form 1 EIA Pre-Screening

Case Reference	319534-24
Proposed Development Summary	The proposed development is for the construction of a Battery Energy Storage System (BESS) compound and associated infrastructure.
Development Address	Shankill Lower (Clonervy E.D.), Cavan, Co. Cavan
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to Q.2.
	☐ No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified **in Part 1.**	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	

3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	**Note:** The proposed development of a Battery Energy Storage System (BESS) is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). However, the proposed development has been assessed in relation to other classes which may apply. See below.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. **EIA is Mandatory. No Screening Required**	N/A
☒ Yes, the proposed development is of a Class but is sub-threshold.	Class 1 of Part 2 of Schedule 5 'Rural Restructuring': "Projects for the restructuring of rural land holdings, 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." The proposed development provides for the removal of c. 195m of hedgerow to accommodate the upgrading of an existing agricultural entrance and associated visibility splays and the footprint of the proposed development with an equivalent length of hedgerow being replanted. The removal of hedgerow does not exceed 4 kilometres (km).

	The proposed development site extends to a total area of 3.51 hectares (ha) located within an overall landholding of 8.15 ha. Accordingly, the removal of the existing hedgerow cannot result in the creation of restructured lands with an area in excess of 50ha (Schedule 5, Part 2, Class 1(a)). Given the undulating nature of the proposed development site, it will be necessary to reprofile (recontour) part of the proposed development site in order to provide a level platform for the BESS compound. The footprint of the BESS compound extends to an area of 1.17ha and while minor additional reprofiling may occur at the edge of the compound for landscaping and reinstatement purposes, collectively, the footprint of the area to be reprofiled will not exceed 5ha (Schedule 5, Part 2, Class 1(a)). <u>Class 10 (dd) of Part 2 of Schedule 5 'All private roads':</u> 'All private roads which would exceed 2000m in length.' Note: The proposed development includes the laying hard standing areas and access tracks. The application proposes an access track which does not come within the meaning of a private road. There is a clear distinction between access tracks and roads for the purposes of the EIA Directive, with the directive only applying to the latter. It is not considered that the internal access tracks serving the proposed facility would constitute 'private roads'.
4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	

Yes ☒	**Screening Determination required (Complete Form 3)**
No ☐	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ **Date:** _____

Appendix 3: EIA Screening Determination (Form 3)

A. CASE DETAILS		
An Bord Pleanála Case Reference	319534-24	
Development Summary		
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	Yes.	The planner's report (19/12/2023) refers to the Environmental Impact Screening Assessment submitted in support of the application which concludes that having regard to the characteristics of the proposed development and those of the receiving environment; significant effects on the environment are unlikely to occur and therefore the reparation of an EIAR in not required. The planner's report concurs with this assessment.
2. Has Schedule 7A information been submitted?	Yes	An Environmental Impact Assessment Screening Report was submitted in conjunction with the application. An updated EIASR (dated February 2026) was submitted in response to the Commission's request for further information.
3. Has an AA screening report or NIS been submitted?	Yes.	An Appropriate Assessment Screening Report was submitted in conjunction with the planning application. A Natura Impact Statement was submitted in response to the Section 132 Request issued by An Coimisiún Pleanála.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has	No.	

the EPA commented on the need for an EIAR?			
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes.	EIA Screening Report which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU). Natura Impact Statement which considers the Habitats Directive (92/43/EEC). SEA was undertaken in respect of the Cavan County Development Plan 2022-2028 by the Planning Authority. The relevant Directive is (2001/42/EC).	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
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?	No.	The proposed development site is comprised entirely of pastoral farmland bounded by hedgerows, embankments and treelines. During the construction phase, agricultural activities will be disrupted. However, lands within the immediate vicinity of the site will remain in agricultural use. The site is adjoined by lands in agricultural use, and an existing forest is located to the south of the site. The Shankill 110kV electricity substation and its associated electrical	No.

		infrastructure and overhead lines is located c. 450m to the northeast. While the proposed will result in a change in the agricultural use of the site, the site area is limited. In the context of the existing environment in the area the project is not significantly different in character or scale to its surrounding or environment.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No.	The proposal will involve physical changes to the existing site including hedgerow removal and recontouring but in the context of the wider locality these are not considered significant.	No.
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?	No.	Construction Phase: Energy, including electricity and fuels, will be required during the construction phase. Soil will be excavated as required to achieve requisite ground conditions and will be reused as part of the reinstatement and landscaping of the proposed development site. Construction activities will utilise various raw materials. No out of the ordinary use of natural resources will be required during the construction process. Operational Phase: No raw materials will be consumed during the operational phase of the development. Water will be stored on site for firefighting purposes in the case of an incident.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance	No.	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of	No.

which would be harmful to human health or the environment?		such materials would be typical for the construction activity on the site. Any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No.	Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Noise and dust emissions during construction are likely. Any impacts would be local and temporary in nature and the implementation of standard construction practice measures would satisfactorily mitigate potential impacts.	No.
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?	No.	A risk of contamination is typical at all such sites. No discharge of pollutants to ground or surface waters. CEMP and NIS contain measures to address accidental spillages.	No.
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No.	The removal of hedgerow from the site and proposed recontouring will not result in significant noise or vibration impacts. Noise and vibration impacts are likely during the site development works. The works would be short term in duration, and impacts arising would be temporary, localised, and be managed through implementation of the CEMP.	No.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No.	A risk of contamination is typical at all such sites. The CEMP and NIS include measures to negate against discharge of pollutants to ground or surface waters. CEMP and NIS contain measures to address accidental spillages. The removal	No.

		of hedgerow on the site will not result in significant emission to air.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No.	There is no significant risk of major accidents associated with the removal of hedgerow from the site or proposed recontouring of land.	No.
1.10 Will the project affect the social environment (population, employment)	No.	The proposal may result in localised increase in employment during construction.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.	The removal of hedgerow from the site recontouring of the site is part of a proposed BESS development. BESS is not a class for the purpose of EIA. No cumulative effects are anticipated alongside the proposed BESS. The 3rd party appeals outline that the operation of the BESS is dependent on the construction of a substation and grid connection to the existing Shankill substation. I am satisfied that any future grid connection and substation will be similar in characteristics to the proposed development and will be subject to separate consent process. No cumulative impacts are envisaged.	No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: • European site (SAC/ SPA/ pSAC/ pSPA) • NHA/ pNHA • Designated Nature Reserve	No.	There are no ecologically sensitive locations within or in proximity to the appeal site. The closest European sites to the development include the following: • Lough Oughter and Associated Lough Proposed Natural Heritage	No.

• Designated refuge for flora or fauna • 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		Area (Site Code 000007) – 5km northwest. • Drumkeen House Woodland pNHA (Site Code 000980) – 4km northwest. • Lough Oughter and Associated Loughs SAC (000009) – 5km northwest. • Lough Oughter Complex SPA (004049) – 6km northwest. A Natura Impact Statement was submitted in response to the Commissions Section 132 request which outlines that the proposed development would not adversely affect the integrity of either site, in view of the Conservation Objectives of these sites. Any removal or cutting back of hedgerow will be carried out outside of the breeding bird season. The archaeology report submitted in conjunction with the application outlines that there are no recorded archaeological monuments on site.	
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 affected by the project?	No.	Ecological surveys have not identified any significant breeding, nesting, or foraging grounds within or immediately adjacent to the area.	No.

2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No.	An Archaeological Impact Assessment was submitted in support of the application. This outlines that there are no RMP sites within the proposed development site or within 1km of the study area.	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?	No.	The southern boundary of the site is adjoined by a mature forestry. The removal of hedgerow and recontouring of the site would not result in significant impacts on the existing forest. An existing surface watercourse, the Annagelliff River, traverses the site. The CEMP and NIS submitted in support of the application includes measures to negate against pollution of this watercourse during the construction and operational phases of the development.	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.	An existing surface watercourse, the Annagelliff River, traverses the site. The removal of hedgerow within the site would not result in significant impacts on water recourses, including in respect of their volume or flood risk. A Flood Risk Assessment is submitted in conjunction with the application. The site of the proposed development is not located within an area at risk of flooding.	No.
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.	No evidence of these risks.	No.
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental	No.	The removal of hedgerow within the site and recontouring of the site would not result in significant impacts on key transport routes, or result in congestion.	No.

problems, which could be affected by the project?			
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No.	Site is located within a rural area outside of a settlement.	No.
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	During the construction phase, effects are unlikely to be experienced beyond the proposed development site other than in respect of potential cumulative effects on transport routes. These will be addressed within a traffic management plan. Activities associated with any future grid line and substation to accommodate the development would have similar impacts to the proposed development. These are no classes for the purposes of EIA. Having regard to the characteristics of the development, including hedgerow removal and recontouring, cumulative effects are not envisaged to arise.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.	The development is confined to the administrative boundary of Cavan County Council. No transboundary effects are likely to occur.	No.
3.3 Are there any other relevant considerations?	No.		No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	√	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	
D. MAIN REASONS AND CONSIDERATIONS			

EIAR <u>not</u> Required

Having regard to:

a) the nature of the existing site and the existing pattern of development in the surrounding area,
b) the nature and scale of the proposed development, which is significantly below the thresholds in respect of Class 1(a) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as revised,
c) the absence of any significant environmental sensitivity in the vicinity;
d) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended);
e) the consideration of the cumulative effects of the proposed development, subject of the screening, and the wider development of the BESS which is not, of itself, a class for the purposes of the EIA Directive,
f) the criteria set out in Schedule 7,
g) the results of other relevant assessments of the effects on the environment submitted by the applicant (i.e. Appropriate Assessment Screening Report and NIS, Flood Risk Assessment and Ecological Impact Assessment).
h) the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment.

The Commission concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Appendix 4 – Screening for Appropriate Assessment

Screening for Appropriate Assessment Test for Likely Significant Effects	
Step 1: Description of the project and local site characteristics	
Brief Description of project	Energy storage facility and all associated site works. Third Party Appeal
Brief description of development site characteristics and potential impact mechanisms	The appeal site, which has a stated area of 3.51ha, is located within a rural area c 3.5km east of Cavan town. The appeal site as described within the Ecological Appraisal comprises scrub and part of an improved grazing field (JNCC Code B4) surrounded by mature hedges (JNCC Code J2.1.2) The Annagelliff River (as it is named on the EPA flow network dataset) flows northward along the eastern site boundary then westward through the northern parts of the site. EPA mapping identifies that water flows in a western direction through the site. It joins the Green Lough Stream, which discharges to the Cavan River approximately 4 km south-west of the site. Cavan River flows in a northerly direction to the lake complex of Lough Oughter, which contains two European site designations. A detailed description of the proposed development is provided in Section 2 of this report and detailed specifications of the proposal are provided in the application documentation. In brief, the proposal comprises development of an Energy storage facility and all associated site works including the provision of access from the L2035. The Annagelliff River traverses the site. The proposed development seeks to culvert part of this watercourse to provide access to the site.

Screening Report	Yes. An AA Screening Report was submitted in conjunction with the application. An Updated AA Screening report and Natura Impact Statement was submitted in response to the Commission's request for further information (dated 3rd of February 2026). Cavan County Council screened out the need for AA.
Natura Impact Statement	A Natura Impact Statement was submitted in response to a request for further information issued by the Commission in respect of the proposal.
Relevant Submissions	*Appeals and Observations* The appeals on the application raise concerns in relation to the potential impact of the proposal on water quality of an existing watercourse which traverses the site connects to Natura 2000 sites. Concerns in relation to pollution of the watercourse are raised. The appeals furthermore outline that the Screening Assessment is not in accordance with Directive 92/43/EEC on the basis that Conservation objectives for Natura Site have not been identified. *Cavan County Council* The planning authority undertook an appropriate assessment (AA) of the project, screening out the need for AA. Cavan County Council's Screening Assessment concludes that: *"The Planning Authority has noted the report and that the proposed site is located within both the Lough Oughter & Associated Loughs SAC Natura 2000 Buffer Zone and the Lough Oughter SPA Natura 2000*

	15km Buffer Zone. Having reviewed the screening report submitted with the application and having regard to the nature and scale of the development and to the distance of same from this site (approximately 6.5km from Lough Oughter and the Lough Oughter Complex SPA) . In addition, I have noted that from the assessment methodology carried out, which addresses the source-pathway-receptor model, I am satisfied that the conclusion of the AA Screening report it is considered that a Stage 2 Appropriate Assessment is not required for this development".

Step 2: Identification of relevant European sites using source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. There are indirect hydrological (surface water) connections between the subject site and both Lough Oughter and Associated Loughs SAC and Lough Oughter Complex SPA via the Annagelliff River. I consider these two European sites as being within the zone of influence of the project, with the effects on which requiring assessment in this screening determination.

I do not consider that there are any other European sites as being within the zone of influence of the project. This is due to the qualifying interests (QIs) and conservation objectives of other European sites, the separation distances involved, and the absence of any meaningful pathways/ connections to same.

I refer to the grounds of appeal which outlines that Conservation Objectives for the Lough Oughter Complex SPA have not been identified. I note the Conservation Objectives for the SPA were identified in January 2025 as detailed below. I have had regard to the updated Conservation Objectives for the purposes of this assessment.

European Site (code)	Qualifying interests & Conservation Objectives	Distance from proposed development (km)	Ecological connections	Consider further in screening
Lough Oughter and Associated	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]	5.5km, 7km downstream.	Indirect Hydrological connection via	Yes

Loughs SAC (Site Code 000007)	Bog woodland [91D0] Lutra lutra (Otter) [1355] Two of the Qualifying Interests have as their Conservation Objectives to maintain their favourable conservation conditions 91D0, 1355. The Conservation Objective for 3150 is to restore the favourable conservation condition.		Annagelliff River. Works to culvert river and surface water discharge	
Lough Oughter Complex SPA (004049)	Great Crested Grebe (Podiceps cristatus) [A005] Whooper Swan (Cygnus cygnus) [A038] Wigeon (Anas penelope) [A050] Wetland and Waterbirds [A999] Three of the Qualifying Interests have as their Conservation Objectives to maintain their favourable conservation conditions A005, A050 and A999. The Conservation Objective for A038 is to restore the favourable conservation condition.	5.5km, 7km downstream.	Indirect Hydrological connection via Annagelliff River. Works to culvert River and surface water discharge	Yes
<u>Lough Oughter and Associated Loughs SAC</u> Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Cavan between Upper Lough Erne, Killeshandra and Cavan town. The site is a maze of waterways, islands, small lakes and peninsulas including some 90 inter-drumlin lakes and 14 basins in the course of the Erne River. The area lies on Silurian and Ordovician strata with Carboniferous limestone immediately surrounding.				

Lough Oughter Complex SPA

Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Co. Cavan between Belturbet, Killashandra and Cavan town. This area comprises a maze of waterways, islands, small lakes and peninsulas. Lough Oughter, the largest lake in the site, is relatively shallow (maximum depth of 10 m) and considered to be a naturally eutrophic system. Its main inflowing rivers are the River Erne and the Annalee River, whilst the main outflow is the River Erne, which connects the lake to Upper Lough Erne and Lower Lough Erne to the north.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on

The proposed development will not result in any direct effects on either the SAC or SPA as it relates to Lough Oughter.

The proposed development is around 5.5km from the boundary of the SAC and SPA, at an upstream distance of c. 7km of the Natura 2000 sites.

However, a source of potential effects on biodiversity receptors may arise from the production of pollutants during construction, including silts, hydrocarbons and airborne emissions. The site is within the wider River Erne catchment; the Annagelliff River flows westwards and is within 150m of the proposed development at its nearest approach. The site access track also crosses the Annagelliff River in order to reach the BESS site (and a new culvert bridge is proposed). There is, therefore, a potential for any pollutants that enter the river to reach the SAC/SPA waters, with a potential for effects on the designation features or conservation objectives of the Natura sites.

The applicant's Screening Report outlines that the main impact source for European sites is water pollution and deterioration in water quality due to pollution, indirect impacts on population density and size due to those effects, and disturbance to and displacement of marine mammals.

AA Screening Matrix

Site name, Qualifying interests	**Possibility of significant effects (alone) in view of the conservation objectives of the site**	
	Impacts	**Effects**
Lough Oughter and Associated Loughs SAC (site code: 000007)	Indirect pathway to SAC	*Natural eutrophic lakes* (Potentially Significant) Silts and site-derived pollutants have the potential to have toxic and subtoxic effects on aquatic plants

	Water pollution arising from uncontrolled release of pollutants to surface water (e.g. run-off, silt, fuel, oil, concrete, dust etc.) Release of silt and sediment during site works. Release of construction related compounds including hydrocarbons to surface water and groundwater. Impact of in channel works associated with culverting watercourse Increased human disturbance at this site, particularly during the construction/ installation phase.	species. Potential for toxic emissions to watercourses in the event of a fire at the BESS (i.e., fire water contamination). *Bog Woodland:* (Not significant) The proposed development is remote from this habitat, the volume/concentration of pollutants produced is likely to be negligible and will be further attenuated prior to discharge to soil or a minor tributary of the Erne. Further attenuation will occur over the 7km stretch of the Annagelliff River and the SAC. *Lutra lutra (Otter):* (Potentially Significant) Silts and site-derived pollutants have the potential to have toxic and subtoxic effects on otter prey species. Potential for toxic emissions to watercourses in the event of a fire at the BESS (i.e., fire water contamination). Potential disturbance risks to Otter, a qualifying interest species for the SAC, which could be associated with increased noise, additional lighting and increased human activity at both construction and post construction phases; Potential damage to riparian and river habitats associated with works to culvert the Annagelliff River and inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;

	At operational phase, potential impacts of contaminated firewater run-off on ground and surface water in the event of a fire at the BESS. Impact of proposed lighting.	Potential impact of contaminated fire water on surface and ground water in the event of a fire event at the BESS. Potential damage to the habitats and qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.
Likelihood of significant effects from proposed development (alone) **Yes**		
	Impacts	**Effects**
Lough Oughter Complex SPA (004049)	Indirect pathway to SAC Water pollution arising from uncontrolled release of pollutants to surface water (e.g. run-off, silt, fuel, oil, concrete, dust etc.) Release of silt and sediment during site works.	Great Crested Grebe Podiceps cristatus [A005]; Whooper Swan Cygnus cygnus [A038]; Wigeon Mareca penelope [A050]

	Release of construction related compounds including hydrocarbons to surface water and groundwater. Impact of in channel works associated with culverting watercourse Increased human disturbance at this site, particularly during the construction/ installation phase. At operational phase, potential impacts of contaminated firewater run-off on ground and	Potentially Significant Silts and site-derived pollutants have the potential to have toxic and subtoxic effects on grebe prey species and on wildfowl forage species. Potential for toxic emissions to watercourses in the event of a fire at the BESS (i.e., fire water contamination). Wetland and Waterbirds [A999]- Potentially Significant Silts and site-derived pollutants have the potential to have toxic and subtoxic effects on aquatic habitats, with potential effects on waterbird food species. Potential for toxic emissions to watercourses in the event of a fire at the BESS (i.e., fire water contamination) Disturbance during construction phase. A decline in water quality would undermine the conservation objectives set for water quality targets and to prey availability.

	surface water in the event of a fire at the BESS. Impact of proposed lighting.	
Likelihood of significant effects from proposed development (alone) **Yes**		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
The Applicant's Screening Assessment concludes that: Based on objective information and assessment, the possibility of significant adverse effects caused by the proposed project is potentially significant for Lough Oughter and Associated Loughs SAC/Lough Oughter Complex SPA. Mitigation measures are proposed during the development. A Stage 2 NIS of the proposed BESS scheme is required as it cannot be excluded, on the basis of objective information (without the use of mitigation measures), that the proposed works, individually or in combination with other plans or projects, will have a significant effect on a European site. The proposed mitigation measures are outlined in the NIS. **Overall Conclusion – Screening Determination** The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having regard to the proximity of the subject site to European sites and the nature of the development and its potential effects, it is concluded that the project individually (or in combination with other plans or projects) could have a significant effect on European Site Nos. 000007 and 004049, in view of the site's Conservation Objectives, and Appropriate Assessment is therefore required.		

An appropriate assessment is required on the basis of the possible effects of the project ‘alone. Further assessment in-combination with other plans and projects is not required at screening stage.

Appendix 5: Stage 2 – Appropriate Assessment

Stage 2 – The Natura Impact Assessment

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

Taking account of the preceding screening determination at Appendix 3 of the Inspector's report (above), the following is an Appropriate Assessment of the implications of the proposed development in view of the relevant conservation objectives of the Lough Oughter and Associated Loughs SAC (000007) and the Lough Oughter Complex SPA (004049) based on the scientific information provided by the applicant.

An AA Screening and Natura Impact Statement prepared by Blackstaff Ecology (dated February 2026) was submitted in response to ACP's request for further information.

The NIS concludes the follows:

"This NIS has involved the examination, analysis and evaluation of all relevant information including a description of the proposed project and the Natura 2000 sites within 15km, and has applied the precautionary principle in the preparation of the conclusion. It is the professional opinion of the author of this report that there will be no adverse effects on the integrity of any Natura 2000 sites following the implementation of the mitigation measures outlined. The implementation of standard mitigation measures including the measures outlined, and onsite monitoring and the presence an ECoW, will be sufficient to prevent adverse effects on the integrity of Natura 2000 sites.

Based on the assessment of the proposed development alone and in combination with other projects and plans, including the implementation of mitigation measures, it can be concluded that no adverse effects on the site's integrity will arise, in view of the site's conservation objectives. This report presents a Stage II Natura Impact Statement for the proposed project, outlining the information required for the Competent Authority to screen for appropriate assessment and to determine whether or not the proposed development, either alone or in combination with other plans and

projects, in view of best scientific knowledge, will adversely affect the integrity of European sites".

I am satisfied that it was prepared in line with current best practice guidance and provides an assessment of the potential impacts to the designated sites and an evaluation of the mitigation measures proposed.

Having reviewed the documents, submissions and consultations I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the designated sites alone, or in combination with other plans and projects.

12.2. *Submissions / observations*

Commission's Request for Further Information

The Commission issued a request for further information, under Section 132 of the Planning and Development Act as amended, in respect of the development. Item 8 of the FI request related to the submission of a revised Appropriate Assessment Screening Report which included the includes a detailed description of all elements of the proposed development (including the proposal to culvert the existing watercourse on site). An Updated AA Screening Report and Natura Impact Statement (dated 3rd of February 2026) was submitted in response to the Commission's request for further information.

Submissions on NIS

The applicant's further information response was deemed significant by the Commission and was readvertised and recirculated to parties of the appeal. The submissions received in relation to the applicant's further information response raise concern in relation to the scope and content of the updated AA Screening Report and the NIS as briefly summarised below:

- Environmental Risk to Annagelliff River which is hydrologically linked to designated sites including the Lough Oughter Special Area of Conservation and Special Protection Area. Under Article 6(3) of the Habitats Directive and established caselaw (C127/02, C258/11, Kelly v's An Bord Pleanála) the competent authority must be satisfied that no

reasonable scientific doubt remains as to the absence of adverse effects on site integrity.

- The effectiveness of cited mitigation measures are not conclusively demonstrated.
- The ecological assessment does not consider scenarios in which mitigation measures fail or are overwhelmed during a major incident. In the absence of detailed modelling, firewater containment analysis and consequence assessment, it cannot be concluded with the level of certainty required under Article 6 (3) of the Habitats Directive that the proposed development would not adversely affect the integrity of European sites.
- The NIS does not include specific assessment of potential impacts on Otter, the Annagelliff River represents a suitable habitat for this protected species.
- The NIS does not include modelling of toxic gas dispersion, deposition of particles, potential ecological impacts of airborne contaminants.

12.3. *Appropriate Assessment of implications of the proposed development*

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

12.4. *European Sites*

A description of the sites and their Conservation and Qualifying Interests (QI's) / Special Conservation Interests (SCI's), including any relevant attributes and targets for these sites, are set out in Paragraphs 36 to 49 of the NIS and are also available on the NPWS website. Tables A4.1 and A4.2 below provide a summary of the SAC and SPA.

Tables 3 and 4 of the NIS set out a summary of Potential Impacts and sets out the potential adverse effects on the conservation objectives of Lough Oughter SAC and SPA likely to occur from the project in the absence of mitigation. Table 3 outlines that

silts and site-derived pollutants have the potential to have toxic and sub-toxic effects on aquatic plants species, otter prey species and bird prey species.

Table A4. 1: **AA Summary Table for** ***Lough Oughter and Associated Loughs SAC (000007)***	
Conservation Interest - To maintain or restore the favourable conservation status of habitats and species of community (M/R) Distance: 5.5km / 7km downstream	
Qualifying Interests/Species of Conservation Interest	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation.
Conservation Objective	To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Oughter and Associated Loughs SAC;
Potential Adverse Effects	The Site Synopsis for the SAC, outlines that the main threat to the quality of the site are water polluting activities. Increased eutrophication (enrichment with minerals and nutrients) and pollution of lake waters could arise from the proposed development enriched/polluted surface water runoff during construction and operation. Water Quality Impacts: The application site is upstream of a number of lakes which contain examples of this habitat. Any changes in surface or groundwater quality could have an additional impact on the macrophyte populations in the natural eutrophic lakes and prevent their restoration to favourable levels. The NIS outlines that silts and site-derived pollutants have the potential to have toxic and sub-toxic effects on aquatic plants species.
Mitigation Measures	See Paragraphs 50-71 of the NIS which relates to mitigation measures to negate against water quality impacts.

Qualifying Interests/Species of Conservation Interest	Bog woodland.
Conservation Objective	To maintain the favourable conservation condition of Bog woodland* in Lough Oughter and Associated Loughs SAC.
Potential Adverse Effects	Map 4 of the Conservation Objectives report on the site illustrates the spatial distribution of this habitat. The NIS outlines that the application site is remote from this habitat, the volume/concentration of pollutants produced is likely to be negligible and will be further attenuated prior to discharge to soil or a minor tributary of the Erne. Further attenuation will occur over the 7km stretch of the Annagelliff River and the SAC. I furthermore note that water quality is not a listed attribute for the maintenance of this habitat at favourable conservation condition. Therefore, I am satisfied that the proposed development would not have an adverse effect on the integrity of this habitat.
Mitigation Measures	No protective measures required.
Qualifying Interests/Species of Conservation Interest	Lutra lutra (Otter)
Conservation Objective	To maintain the favourable conservation condition of Otter (Lutra lutra) in Lough Oughter and Associated Loughs SAC;
Potential Adverse Effects	The otter occurs throughout the Lough Oughter system. The presence of this species is positively correlated with good water quality and deterioration of same will lead to impacts upon this species. A reduction in water quality could impact on the diet of this species and lead to other stressors. The NIS outlines that Silts and site-derived pollutants have the potential to have toxic and sub-toxic effects on otter prey species). Mitigation measures will be included as part of this assessment to protect the overall status of the otter within the SAC and to prevent deteriorations in water quality which could affect this species.

	The submissions on the applicant's Section 132 response raise concern in relation to the impact of the development on Otter species and lack of survey information. The Ecological Appraisal submitted in support of the application outlines that the site may provide suitable habitat for Otters and pre - construction Otter surveys are recommended. The appeals refer to information deficiencies within the NIS in this regard. I consider that Otter may be disturbed during the construction phase, due to noise and activity in proximity to the Annagelliff River, whereby individuals using these watercourses for foraging and commuting may avoid using the area during construction. The proposed site layout plan illustrates that the existing watercourse will be retained on site and a buffer zone will be maintained from this watercourse during site works. Mitigation measures are also proposed for in stream works within the NIS. Whilst there may be some short-term disturbance during construction, I consider this is unlikely to be a significant effect for the SCI, given the distance from the European site. Otter movements within the area are likely to be incidental and any disturbance is unlikely to have a significant effect on the population. The NIS recommends the preservation of a buffer zone from the existing watercourse on site. I would also note that any Otter within the area are likely to be accustomed to some disturbance associated with human activity and habitation. I consider the risk of disturbance to Otter during the construction phase is low and can be excluded. I am satisfied that pre-construction surveys are sufficient. The proposed development does not result in habitat loss within the European site. The NIS outlines that any deterioration in water quality in the Erne system could indirectly affect these species through impacts on its food source. Detailed mitigation measures are set out in the NIS to prevent the deterioration of water quality by way of run off, including arrangements for site works, protection of water quality and monitoring of ground and surface water discharging from the site which are incorporated within the Outline Construction Environmental Management Plan (CEMP). Having regard to the foregoing I am

	satisfied that no adverse effects on otter species will arise as a consequence of the development.
Mitigation Measures	See Paragraphs 50 to 71 of the NIS which relates to mitigation measures to negate against water quality impacts and specifically address the proposed culvert construction works and the fire water containment strategy.
Overall Conclusion – Integrity Test	Based on the information provided, I am satisfied that adverse effects can be excluded for this SAC site and that no effects of any significance would occur to SCI species utilising habitats within the development site. No uncertainty remains. Significant disturbance has been excluded. I am satisfied that adverse effects from contamination can be effectively prevented by mitigation measures. The proposed development would not delay or prevent the attainment of the Conservation objectives of any of this SAC.

Table A4.2: **AA Summary Table for *Lough Oughter Complex SPA (004049)***	
Conservation Interest - To maintain or restore the favourable conservation status of habitats and species of community interest. Distance: 5.5km / 7km downstream	
Qualifying Interests/Species of Conservation Interest	Great Crested Grebe (Podiceps cristatus). Whooper Swan (Cygnus cygnus). Wigeon (Anas penelope).
Conservation Objective	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interest for this SPA: Great Crested Grebe, Whooper Swan, Wigeon. The NIS outlines that the Conservation Objectives for the SPA are not specific, but as for other similar SPA's they relate to the link between water quality, food sources and populations of birds and therefore mitigation is required to ensure there is no reduction in surface or groundwater quality.

Potential Adverse Effects	No direct impacts. There will be no loss or fragmentation of habitat within the SPA. The main threats to the SPA, listed in the Natura Data Form are from hunting, fertilisation, leisure fishing, animal breeding, nautical sports and forestry. Impacts from the development on species of conservation interest could arise by way of deterioration in water quality. The NIS outlines that Silts and site-derived pollutants have the potential to have toxic and sub-toxic effects on otter prey species. I consider the reference to otter to be a typological error within the applicant's report. Any deterioration in water quality in the Erne system could indirectly affect these bird species and the habitats and food chains that they depend on.
Mitigation Measures	See Paragraphs 50 to 71 of the NIS which relates to mitigation measures to negate against water quality impacts and specifically address the proposed culvert construction works and the fire water containment strategy.
Qualifying Interests/Species of Conservation Interest	Wetland and Waterbirds.
Conservation Objective	To maintain or restore the favourable conservation condition of the wetland habitat at Lough Oughter Complex SPA as a resource for the regularly occurring migratory waterbirds that utilise it.
Potential Adverse Effects	No direct impacts. There will be no loss or fragmentation of habitat within the SPA. Deterioration in water quality could indirectly impact on this habitat / bird species and habitats and food chains they depend on.
Mitigation Measures	See Paragraphs 50 to 71 of the NIS which relates to mitigation measures to negate against water quality impacts.
Overall Conclusion – Integrity Test	Based on the information provided, I am satisfied that adverse effects can be excluded for this SPA site and that no effects of any significance would occur to SCI species utilising habitats within the development site. No uncertainty remains.

	Significant disturbance has been excluded. Adverse effects from contamination can be effectively prevented by mitigation measures. The proposed development would not delay or prevent the attainment of the Conservation objectives of any of this SPA.

12.5. *Mitigation*

Paragraphs 50 to 71 of the NIS sets out mitigation measures for the proposed development which seek to mitigate against water quality impacts in the area surrounding the site. These include the following:

Firewater Containment Strategy

- The NIS outlines that consideration has been given to potential for firewater management at the battery storage site. Pollution Prevention Guidelines (PPG) 18: Managing Firewater and Major Spillages sets out requirements for containment of runoff likely to carry firefighting contamination.
- Measures to prevent potentially contaminated runoff in the event of a firefighting event comprise storage of water within the permeable subbase, with infiltration to ground prevented by installation of an impermeable liner, and control of outflows by a pollution control valve.
- Where loss of control is limited to a single BESS unit, fire suppression is by a mix of gas and internally supplied coolant by sprinkler which is self-contained. The drainage system is designed to give sufficient time to contain that water and allow for the arrangement of pumping facilities to remove the contaminated water from the network. Pumped firewater will be removed into suitable lorries which will transport this to a licensed facility for disposal.
- Firefighting water, delivered by on-site fire water tanks or hydrants (subject to Uisce Éireann consent) would potentially be used for cooling of adjacent units. Vertical and lateral migration (to groundwater) are prevented by installation of an emergency control shut-off isolation valves which controls discharge from both lined storage area, preventing potentially contaminated water discharging to downstream drainage network and groundwater.

- The volume of storage available within the two lined area of the gravel sub-base are 749 cu. m (in 2498 sq. m, within subbase with 30% voids, allowing for maximum water level of 99.5m OD). This exceeds the minimum recommended volume (228 cu. m) required to contain water used for boundary cooling per best practice guidance stated in document NFCC Grid Scale Battery Energy Storage System Planning – Guidance for FRS (Version 1.0, adopted where V2.0 is less onerous and remains in draft status). The system ensures that there is sufficient storage in both sections of the BESS platform to allow arrangement for pumping facilities to remove contaminated water for transport and disposal offsite.
- The NIS details standard mitigation measures which will be carried out to prevent adverse impacts on local watercourses and thus the nearby SAC/SPA including minimum setbacks from any drainage features an no undertaking of works during periods of high rainfall.

Water Management – Culvert Construction Detail

- The NIS sets out a methodology for the proposed culvert works. During the construction of the bridge culvert, surface water flows in the drain will be controlled by damming and over-pumping to maintain a dry drain. The pumped water will be released back into the watercourse downstream of the proposed pipe culvert outfall.

Working Area Water- Containment and Treatment

- The NIS outlines that a small volume of water may continually arise from the drain channel in the area of the bridge crossing as a result of seepage from the drain substrate and also from possible leaks from the upstream dam. A containment area will be created between the upstream dam and downstream dam for control of this potentially silt laden and cement contaminated dirty water due to the works. To treat the potentially silt laden dirty water from the containment area, a temporary settlement zone will be created within the drain channel immediately downstream of the second (downstream) dam. The settlement zone will be created by covering the bed and banks of the drain channel with sedimats (SedimatTM1 or similar).

- Regular pH monitoring of the water in the containment area will be completed during and after concrete pours. The NIS outlines that in the unlikely event that the water is heavily contaminated with cement, it will be pumped from the containment area into mobile tanks or concrete washout lagoon and moved off-site to an appropriate disposal facility. The containment area will be removed once the bridge culvert works are complete.

12.6. *In Combination Effects*

Potential for Cumulative Impacts associated with the proposal and future substation are address within the applicant's NIS. The NIS outlines that the substation will be an integral part of the facility and effects relative to the SAC and the SPA will be similar to those described for the BESS facility. There are no likely in combination effects on the SAC or the SPA.

The submissions on the applicant's FI response raise concern in relation to the cumulative impact of the proposal in conjunction with the BESS proposal for Pottle in Cavan. This application is currently subject to a concurrent appeal to the Commission (ABP Ref: 319637-24) as summarised in Section 4 of the Inspector's Report. I note that this application is accompanied by an NIS. Each application will be screened on a case by case basis and having regard to the characteristics of the proposal. Therefore, it is not considered that there will be any significant adverse in combination effects with the proposed works and any other development that has been screened for AA.

I am satisfied that the potential for cumulative impact does not arise.

12.7. *Applicant's NIS Conclusion*

The applicant's Natura Impact Statement (NIS) concludes the following:

"Based on the assessment of the proposed development alone and in combination with other projects and plans, including the implementation of mitigation measures, it can be concluded that no adverse effects on the site's integrity will arise, in view of the site's conservation objectives. This report presents a Stage II Natura Impact Statement for the proposed project, outlining the information required for the Competent Authority to screen for appropriate assessment and to determine whether or not the proposed development, either alone or in combination with other plans and

projects, in view of best scientific knowledge, will adversely affect the integrity of . European sites".

12.8. *Integrity Test – Issues raised in 3rd party submissions*

The submissions on the applicant's further information response question the overall effectiveness and robustness of the proposed mitigation measures set out within the Natura Impact Statement. The submissions raise particular concerns in relation to the potential impacts of a fire event at the facility at operational phase of the development and firewater run-off. I note that the applicant's was specifically requested to address the potential impact of fire water run off on Natura 2000 sites within the Commission's request for further information.

I am satisfied that this issue is sufficiently addressed within the applicant's NIS. Standard and Best Practice Construction Procedures and specific mitigation measures set-out at pages 50-71 of the NIS as summarised above. The drainage strategy for the site also provides for the isolation of spent firefighting water for removal offsite.

In the event of a fire, I am satisfied that water used for firefighting purposes can be contained on site. I also consider that any such event would be limited in duration. The development, as proposed includes a standards certified Battery Energy Storage System installation, incorporating integrated fire detection and suppression systems and an impermeable water containment area. The proposal has been designed to ensure that no hazardous materials would enter surface water or ground water features or the surrounding environment.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to the qualifying interests of the SAC and SPA by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

The third-party submissions on the applicant's Natura Impact Statement furthermore raise concern in relation to the lack of toxic dispersion modelling to inform the study. I note that the issue of emissions modelling is addressed within the Fire Risk Management Plan submitted in response to the Commission's request for further information. Having regard to the distance of the appeal site from designated Natura

2000 sites and the nature of intervening development I am satisfied that impacts associated with toxic gas emissions would not arise.

Overall Conclusion – Integrity Test

Based on the information set out within the application and NIS, I am satisfied that adverse effects can be excluded for the Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049). No uncertainty remains.

Significant disturbance has been excluded.

Adverse effects from contamination can be effectively prevented by mitigation measures.

The proposed development would not delay or prevent the attainment of the any of the Conservation objectives of the Lough Oughter and Associated Loughs SAC (Site Code 000007) or Lough Oughter Complex SPA (Site Code 004049).

12.9. *Appropriate Assessment Conclusion*

The proposed development has been considered in light of the assessment requirements of Section 177 of the Planning and Development Act 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European sites Nos. 000007 and 004049 or any other European site, in view of the site's Conservation Objectives.

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

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the in relation to the Conservation

Objectives of Lough Oughter and Associated Loughs SAC (Site Code 000007) and Lough Oughter Complex SPA (Site Code 004049).

- Detailed assessment of in-combination effects with other plans and projects including current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the designates sites.

It is also noted that the planning authority concluded that the proposed development, subject to mitigation measures outlined in the NIS, would not adversely affect, either directly or indirectly, the integrity of any European Site, either alone or in combination with other plans or projects.