



An
Coimisiún
Pleanála

Inspector's Report

ABP-319637-24

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

Pottle, Ballinagh, Co. Cavan

Planning Authority

Cavan County Council

Planning Authority Reg. Ref.

2360264

Applicant(s)

Accelerate Renewables Limited.

Type of Application

Permission.

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Thomas Corr and Others.

Observer(s) (following re-advertisement and recirculation of applicant's Section 132 response)

1. Joe Harten
2. Dylan Corr
3. Gráinne Eccleston
4. Bernard and Elaine Morris
5. Gerard and Miranda McIntyre

6. Lily Browne
7. Devin Morris
8. Bernadette McCabe
9. Pdraig Smith and Shane Connolly
10. Imelda Morris
11. Aileen Morris
12. Maeve Morris
13. Paula Morris
14. Clare Morris
15. Martin Reilly
16. David and Vaness Armstrong
17. Maureen and Pat O' Reilly
18. Fiona and Daryl Montgomery
19. Kenneth and Lisa Johnston
20. Kyle and Aoife Montgomery
21. Thomas and Miriam Corr
22. Thomas Corr and Others
23. Inland Fisheries Ireland

Date of Site Inspection

14th of October 2025.

Inspector

Stephanie Farrington

Contents

1.0	Site Location and Description	4
2.0	Proposed Development	4
3.0	Planning Authority Decision	7
4.0	Planning History	12
5.0	Policy Context	14
6.0	EIA Screening	25
7.0	The Appeal	28
8.0	Section 132 Notice – Further Information	41
9.0	Assessment	66
10.0	Recommendation	115
11.0	Reasons and Considerations	115
12.0	Conditions	116

Appendix 1 - Consideration of Local Authority Conditions

Appendix 2 - Form 1: EIA Pre-Screening

Appendix 3 - EIA Screening Determination (Form 3)

Appendix 4 - Screening for Appropriate Assessment

Appendix 5 - Stage 2 Appropriate Assessment

1.0 Site Location and Description

- 1.1. The application site, which has a stated area of 4.98 ha, is located in the townland of Pottle approximately 6km east of Arvagh. The site comprises parts of 2 no. agricultural fields, the topography of which rises towards to the centre of the site, before falling gently towards the northeastern perimeters. The site is generally bound by agricultural grasslands on all perimeters, with the exception of the existing Arva 110kV electricity substation which is located along the southeastern perimeter of the application site. Existing electrical cables traverse the site.
- 1.2. Access to the site is provided via an agricultural entrance from Pottle Lane L- 25121-0, located off the local road, L-2512-0. The surrounding area is predominantly rural in character, comprising dispersed rural housing and agricultural development.

2.0 Proposed Development

- 2.1. The proposal seeks permission for an energy storage facility comprising (i) energy storage containers installed on concrete plinths; (ii) power conversion systems; (iii) power control centre units; (iv) underground electrical and communications cabling; (v) the upgrade of an existing agricultural access point from the L2512; (vi) on-site access track; (vii) security fencing and security gates; (viii) pole-mounted security cameras; and (ix) all associated and ancillary site development, landscaping and reinstatement works. The operational lifetime of the proposed development is 35-years.
- 2.2. The proposed development comprises 62no. BESS containers arranged in sets of 4no. containers across the site. The battery energy storage facility extends over an area of approximately 2.26ha, comprising parts of 2no. agricultural fields, linked by an internal access track. Each container will measure approximately 2.4metres high x 3.5metres wide x 9.8metres in length. A power conversion system is proposed adjacent to each set of containers, used to alter the type of current and its voltage to assist in the storage process. Power conversion systems will have an overall height of approximately 2.6metres, measure 11.8metres in length and 2.1metres in width. It is proposed to install 2no. power control centre units onsite, measuring 12.2metres in length, 7.3metres in width and 4.3metres in height. Electrical & communications cabling, connecting the BESS containers to the power conversion units and onwards

to the onsite electricity substation will be located underground. A 2.6metre high palisade fence will be erected around the perimeter of the application site. In addition to the security fencing, it is noted that CCTV and security lighting will be implemented onsite. Cameras and security lighting will be erected around the perimeter of the site and directed inwards towards the BESS.

- 2.3. Drawing no. ARVBESS 001 Layout - Figure 4.1 Site Layout 1 of 2, Sheet 4 illustrates the provision of a Transformer Compound to the north east of the site. The application outlines that this will be subject to a separate future planning application.

Decommissioning Phase

- 2.4. Section 3.11 of the P & E report relates to the Decommissioning Phase of the Development. This outlines that the proposed operational phase of the development is 35-years. Any further operation beyond 35-years would be subject to a further planning application. All structures above ground level shall be dismantled and removed from the site for reuse/recycling; however, access tracks may be retained for continued use by landowners for agricultural purposes. Underground electrical and communications cabling will also be removed and recycled; however, underground ducting will be left in situ to avoid further excavations and ground works. The general decommissioning sequence is as follows:

- The development will be disconnected from the power grid;
- BESS containers and power conversion systems will be disconnected and removed to recycling facilities for recycling and material re-use;
- Underground electrical and communication cables will be removed and recycled off-site at an approved recycling facility;
- Ancillary electrical apparatus will be removed and recycled off-site;
- Aggregates at access tracks and the BESS compound which are not being retained shall be removed and ground levels re-profiled to match surrounding ground levels. Soil may be imported where necessary; and,
- Security arrangements; including security fencing and CCTV; will be dismantled and removed off-site for re-use or recycling.

Application Documentation

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

- Completed Planning Application Forms and Public Notices
- Letter of Consent
- Application Cover Letter
- Architectural Drawings
- Planning and Environmental Report
- Appropriate Assessment Screening Report
- Flood Risk Assessment and Drainage Strategy
- Environmental Impact Assessment Screening Report
- Landscape Visual Impact Assessment (LVIA) & Photomontages
- Environmental Noise Assessment
- Archaeological Impact Assessment

Further Information

2.6. The application was subject to a request for further information from Cavan County Council in respect of extent of blue line boundary, firefighting strategy, details of deflagration panels and access arrangements. The following documentation was submitted in conjunction with the applicant's response to the request for further information:

- FI response Cover Letter and appendices including – response to query's from Chief Fire Officer CCC, Siemens Energy Fire Protection Concept, Fire Mitigation Strategy.
- Updated Site Location and Site Layout Plans.
- Further Information Public Notices

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 3: Specifies that the duration of the permission is 10 years.
- Condition 4: specifies that the lifetime of the permission shall be 35 years. A decommission strategy for the development and site restoration plan shall be submitted for written agreement of the planning authority prior to the commencement of development.
- Condition 5: 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 17: Prior to commencement of the development the applicant shall submit a Monitoring Programme relating to the surfaced waters discharging from the site as well as specific to the receiving waters (upstream and downstream of the outfall from the site) to the Planning Authority for agreement. This should include proposed sampling/monitoring locations, site layout map demonstrating same and proposed frequency of monitoring.
- Condition 18: The site manager(s) shall carry out a daily inspection during the construction phase to check for uncontrolled water loss or contaminated discharges to groundwater or surface water.
- Condition 21: Details water quality and environment protection measures which must be in place prior to works commencing on site.
- Condition 26: 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 (10/01/2024)

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

- The principle of the development is deemed acceptable and in compliance with national, regional and local policy provisions including Objective ED06 of the Cavan County Development Plan.
- The report cross refers to the Landscape and Visual Assessment (LVIA), and accompanying LVIA Photomontages submitted in support of the application. The report outlines that taking account of the scale, layout and location of the proposed development immediately adjacent to the existing Arva 110kV electricity substation, to the surrounding topography and landscape, it is considered that the proposed development will not have any significant impact on the visual amenities of the area.
- The report provides a summary of the conclusions of the noise assessment submitted in support of the application.
- In terms of access, the report cross refers to the report received from the Municipal District Engineer which raised no objection to the proposed development subject to conditions.
- The report refers to the Flood Risk Assessment and Drainage Strategy submitted in support of the application and outlines that the Environment Section raised no objection to the development subject to condition.
- The report refers to the Archaeological Impact Assessment submitted in support of the application and cross refers to the report which was received from the Department of Housing Local Government and Heritage, which concurred with the recommendation as outlined in Section 5 of the

Archaeological Impact Assessment and recommended that licensed archaeological monitoring be carried out during the course of groundworks.

- In terms of Environmental Impact Assessment, the report outlines that the proposed development does not fall within any of the Classes set out in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and outlines that the submission of an EIAR would not be warranted in this instance.
- In terms of Appropriate Assessment the report outlines that *“Having regard to the nature and scale of the proposed development, to the intervening lands uses and distance from European Sites, to the lack of direct connections with regard to the Source-Pathway-Receptor model, and having examined the contents of the Appropriate Assessment (Screening) report, prepared by Blackstaff Ecological Ecology and Environmental Management Services, it is concluded that the proposed development, individually or in- combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites’ conservation objectives. An appropriate assessment is not, therefore, required”*.
- The report recommends a request for further information in respect of the following:
 - Letter of consent from all landowners.
 - Details of proposed fire-fighting system
 - Details of proposed deflagration panels as referred to within the request for further information.
 - 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.

Planner’s Report on Further Information (28/03/2024)

The report includes a summary and assessment of the applicant’s FI response. The following key points are raised:

- In response to Item 1, the Applicant's Agent confirmed that the original Site Location Plan and Site Layout Plan erroneously included third party lands outside the ownership of the landowners involved in the proposed development. Drawings No. ARVBESS 001 Location, ARVBESS 002 Location and ARVBESS 003 Location, were submitted in response to Item 1, accurately illustrating all lands within the blueline boundary.
- In response to Item 2, the FI response outlines that battery energy storage systems are a relatively new type of technology and it is likely that current fire-fighting procedures for BESSs will be superseded by more modern approaches as technology evolves. The applicant is committed to the installation of a fire-fighting system; and to the development of a Fire Safety Risk Assessment management plan/protocol for fire-fighting procedures in the event of a fire in consultation with Cavan County Council.
- Figure 5: Typical Battery Energy Storage System Plan and Elevations illustrates that deflagration panels will be incorporated into the design of the BESS containers.
- In response to Item 4, the applicant's agent confirmed that the proposed development provides for the necessary minimum dimensions, as set out within Section 5.2.4 of the Fire Safety Technical Guidance Document B.
- The planner's report concludes that, in light of the assessment, to the Applicant's further information response, to the reports received from both internal departments and prescribed bodies, including the Municipal District Engineer, Environmental Section, and Waste Management Section of Cavan County Council, the Department of Housing Local Government and Heritage and Inland Fisheries Ireland, it is recommended that permission is granted for the proposed development.

3.2.2. Other Technical Reports

Ballyjamesduff Municipal District Office (27/11/23)

- No objection subject to conditions.

Environment Section (04/12/23)

- No objection subject to conditions.

Waste Management (08/12/23)

- No objection subject to conditions.

3.3. Prescribed Bodies

Department of Housing Local Government and Heritage (12/12/2023)

- 3.3.1. The observation raises no objection to the development subject to conditions relating to archaeological monitoring during the course of groundworks.

Inland Fisheries Ireland (11/12/2023)

- 3.3.2. The submission raises no objection to the development subject to conditions. The following key points area raised.
- Watercourses (including streams and ditches) that occur within this property should be protected in terms of water quality, topography and habitat. Hedges and ditches containing native trees/ hedgerow vegetation are also important habitat for the adult form of many aquatic insects, an important food for fish and where these occur, they should be retained.
 - In the event of permission being granted measures should be put in place to minimise potential damage during construction.
 - Any re-planting should involve the use of native species to maintain biodiversity.

3.4. Third Party Observations

There were 21 no. third-party submissions/observations received with respect to this application. Key issues raised within the observations are summarised below:

- Health and Safety Concerns
- Fire Risk
- Concerns in relation to future expansion of the site
- Environmental Impacts
- Application documentation is deemed vague and misleading

- Visual Impact
- Traffic Safety/ Access
- Land ownership
- Devaluation of Property
- Lack of Community Consultation
- Noise Impact
- Concerns in relation to operational lifetime

10 no. submissions/observations were submitted in respect of the applicant's FI response. The issues raised are summarised as follows:

- Concerns in relation to Water Quality/ Water Pollution of River Erne
- Release of gases from deflagration panels
- Traffic Impact and unsuitability of road network to serve the development
- Negative Impact on Visual Amenity
- Impact of the development on Human Health and Quality of Life
- Noise Impact
- Devaluation of Property
- Lack of Consultation with Residents

4.0 Planning History

Appeal Site:

- PA Ref. 98/1051, ABP Ref:319637-24: Permission granted by Cavan County Council in December 2008 and An Bord Pleanála in June 1999 to construct 3.6km of single circuit overhead 110kV line forming loops between the new 110kV Substation at Pottle and the existing Cathaleen's Fall – Enn.
- PA Ref. 06/2514, ABP Ref: 02.224726: Permission granted by An Bord Pleanála in August 2008 to erect a new 110kV single circuit overhead

electricity line from the Arva 110kV substation at Pottle, Cavan to Shankill 110kV substation at Shankill. The total line length is approx. 24 km.

The development related to a second line connecting the Arva and Shankill Stations. The rationale for the proposal as set out within the application documentation related to the high growth in electricity demand in recent years and the inability of the existing network to support future demands thereby requiring reinforcement.

- RL 3328: Relates to a referral in relation to whether a change in existing structure types (steel intermediate towers being replaced with wooden intermediate pole sets) on the existing Arva-Shankill 110kV Circuit Number 1 as part of a wider general update works in County Cavan is or is not development or is or is not exempted development. The Board issued a decision in June 2006 that the works constitute exempted development on the basis that the replacement of steel intermediate towers with wooden pole sets is considered, in this case, to come within the scope of section 4(1)(g) of the said Act which facilitates, inter alia, the altering and renewing of apparatus by a statutory undertaker.

Arva Substation

- PA Ref: 98/733: Permission granted in October 1998 to construct a 110kv switching station.
- PA Ref: 06/1581: Permission granted in December 2006 to alter existing 110KV electrical transformer station to include the addition of a new 110KV line bay comprising cable sealing ends, line/earth disconnect, instrument transformers, circuit breaker, busbar disconnect and associated steel supports, site development works consisting of foundations.
- PA Ref 07/1857: Permission granted in December 2007 erect a 36m high, free standing communication structure, carrying antennae and communication dishes with associated ground mounted equipment cabinets shared with other licensed operators within a proposed 2.4-metre-high palisade compound at ESB's existing Arvagh 110kV substation.

- PA Ref: 12/281: Permission granted in February 2013 to continue use of the 36 metre high, free standing lattice communications structure, with the capacity to carry out antennae and communication dishes, within a 2.4 metre high palisade compound, to share with other licenced operators at ESB's existing Arvagh 110kV Substation. Access to the telecoms compound is through the existing vehicular right of way to the southwest of the wider ESB site.

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 Board, 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 Board.

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. Development Plan

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

5.2.1. The site is located within a rural area outside of any settlement boundary as identified within the CCDP. The site is located within a Stronger Rural Area as identified within Appendix 21 – Rural Area Types of the Cavan County Development Plan.

Chapter 5 – Climate Change

5.2.2. 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

5.2.3. 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.

5.2.4. 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

- 5.2.5. 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.
- 5.2.6. 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”.*
- 5.2.7. 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

5.2.8. Section 8.3 relates to Water Quality this outlines that: *"The County has a rich and extensive aquatic environment consisting of rivers, streams, lakes, surface and groundwaters. 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".*

5.2.9. 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

5.2.10. 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.

5.2.11. Section 10.14 relates to Landscape and Amenity Areas and outlines that County Cavan is commonly known as the Drumlin and Lakeland County, however, there are a number of landscape types all of which contribute to the uniqueness and local distinctiveness of the county from the Cuilcagh-Anierin Uplands of West Cavan to the Highlands of East Cavan. 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.

5.2.12. 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"*

5.2.13. 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.

5.2.14. 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.

5.2.15. 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

5.2.16. 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.

5.2.17. The site is located within a Stronger Rural Area as illustrated within Appendix 21 – Rural Area Types of the Cavan County Development Plan. The Plan outlines the following in respect of Stronger Rural Areas:

“In these areas, population levels are generally stable within a well-developed town and village structure and in the wider rural areas around them. This stability is supported by a traditionally strong agricultural economic base and the level of individual housing development activity in these areas tends to be relatively low and confined to certain areas. These areas correspond with the large and medium sized towns within the County which are drivers of growth and development. The rural population has an important role to play in support of these towns as service users, employees and providers of rural goods and services”.

Cavan County Council Climate Action Plan 2024-2029

5.2.18. 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.

5.2.19. Table 3.2 of the Plan sets out Environmental Governance Principles. 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”.*

5.3. 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).

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. Natural Heritage Designations

5.5.1. 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:

- Cordonaghy Bog p NHA (Site Code 000978) – 1.2km southwest
- Lough Gowna p NHA (Site Code 000992) – 1.7km south
- Bruse Hill p NHA (Site Code 000002) – 2.3km northwest
- Lough Oughter and Associated Lough Proposed Natural Heritage Area (Site Code 000007) – 7.2km northeast
- Lough Oughter and Associated Loughs SAC (000007) – 7.2 km northeast
- Lough Oughter Complex SPA (004049) – 7.2 km northeast

6.0 EIA Screening

6.1. An Environmental Impact Assessment Screening Report (EIASR) was 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 the proposed energy storage system is not listed as a class of development for the purposes of EIA under either Part 1 or 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 230m of hedgerow to facilitate sightlines. This proposed removal of hedgerow is significantly below the EIA threshold of 4km. The proposed development site extends to a total area of 2.26 hectares (ha) located within an overall landholding of 14.58 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)).
- 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 2.05ha 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 third-party appeal outlines 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'.

Screening Determination

6.11. 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. Environmental Impact Assessment Screening Report, Appropriate Assessment Screening Report and NIS, Flood Risk Assessment, Fire Risk Management Plan, Emergency Response Plan, Construction and Environmental Management Plan, Noise Impact 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.

6.12. It is 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

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A third-party appeal was submitted in respect of the notification of decision of Cavan County Council to grant permission for the development. The following provides a summary of the grounds of appeal:

Fire Risk

- The appeal raises concerns in relation to fire risks associated with the development given the proximity of residences to the development. The appeal refers to attached appendices which relate to fire events at BESS developments.

- The appellant lives within 100m of the appeal site. The appeal raises concerns in relation to potential spread of fire and contaminants in light of proximity of residential properties and woodland.
- The appeal raises concern in relation to Thermal Runaway (TR) and Vapour Cloud Explosion (VCE). The appeal outlines that the fire department in CCC are not trained to deal with such events.
- The appeal raises concerns in relation to the layout of the development and refers to insufficient separation distances between the batteries in accordance with National Fire Chief Council (NFCC) Guidance. The appeal outlines that the design of development includes back-to-back batteries, there is no reference to the provision of fire hydrants, there is no provision for water and the development is served by one access route with no circular access to keep fire personnel safe.
- The appeal refers to the lack of expert advice taken by the Planning Authority in terms of risks associated with the development in making its decision. The appeal refers to 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 wherein safety and fire risk concerns were raised. The appeal outlines that similar concerns arise in the context of the proposed development. The appeal cross refers to the report by Dr. Paul Chirstensen which was submitted in support of appeals on this application. This is attached as an appendix to the appeal.
- The appeal raises concern in relation to the proposed remote monitoring of the facility. The appeal outlines that in the Liverpool case, the fire service was notified by local residents and not the monitoring company. The appeal cross refers to the Dr. Paul Christensen report which outlines that on site personnel are required to advice fire officers on the efficacy of the fire-fighting operation and advises that without knowing the type of batteries it is not possible to plan for an emergency.
- Concerns are raised in relation to the proposed remote monitoring, access constraints and exclusion of water as an extinguisher means.

- The appeal outlines that the details and specifications submitted in support of the application does not give the planning authority enough information to allow CCC to assess risks associated with the development. The appeal questions how the applicant can commit to adherence to safety standards.
- The appeal refers to advice on power/capacity issues by Edmund Fordham, Physicist and Scientific Advisor. This outlines that the application does not clearly state energy storage capacity of the batteries which is deemed an essential parameter.
- The appeal outlines that the application document refers to the use of the Novec fire extinguishers. The report from Dr. Paul Christensen outlines that this system does not work and may make the likelihood of VEC more likely. The appeal cross refers to the NFCC guidance which states that fire hydrants are required on site together with water capacity of 1,900 litres of water per minute per 2 hours minimum. The proposed storage tanks with pressure pumps will not meet the recommendations.
- Insufficient information is provided within the applicant's response to Cavan County Council request for Further Information in relation to fire safety.

Firefighting Water

- The appeal raises concern in relation to the exclusion of water as an extinguisher means. The appeal refers to Section 7.8.3 of the Development Management Guidelines which outlines that fire safety concerns may arise in terms of fire service access to the development and water supplies for firefighting. The Guidelines outline that under no circumstances should a condition be attached requiring an application to comply with the requirements of the fire officer. This kind of condition is objectionable. The condition imposed by CCC to this effect demonstrates a failure to consider the risk associated with TR and consequences of toxic gases explosion, fire and toxic fire water run-off.
- The appeal refers to the proposed use of the NOVEC fire suppression system (fire extinguishers in containers beside the batteries). The appeal outlines that CCC in granting permission for a site with no access to water and allowing the

developer to rely on the NOVEC fire suppression system will result in the occurrence of a Vapour Cloud Explosion.

- The appeal refers to the constraints of the local water supply network. Residents in the area are served by the Erne Valley River- a private water scheme.
- Lack of Consultation with Erne Valley Water.
- The appeal outlines that the Chief Fire Officer in CCC advised on the requirement for water for firefighting purposes on site. None of the conditions attached to the permission address the requirement for water. The applicants' proposals are unsuitable to address firefighting requirements.
- The appeal cross refers to the High Court Decision in respect of Dunnstown, Kildare which endorses and recognises the requirement for water on site.

Water Pollution

- The appeal raises concerns in relation to pollution associated with run off from the site which flows to the Lough Erne and from there to the Lough Oughter designated sites.
- Lack of assessment of the impact of the proposal on agriculture, watercourses and the environment.
- The appeal refers to lack of consultation with Inland Fisheries Ireland (IFI) in respect of the proposal.

Access

- The appeal outlines that the proposed access to the site is inadequate and outlines that the Planning Authority failed to consider access to the site in safety terms.
- The L2512 and Pottle Lane are narrow in width and cannot accommodate passing vehicles.
- The application is not accompanied by a road survey. The road network is narrow and cannot accommodate the weight of HGV's or passing vehicles in the event of an emergency. No circular route is provided for fire personnel as required for in the NFCC guidance.

- Traffic will be slowed from N55 leading to the site in the event of an emergency resulting in a traffic hazard. Access to the site will be blocked via a security gate. No traffic control measures are set out within CCC's decision.

Impact on Residential Amenity

- The appeal raises safety concerns and concerns in relation to impact on residential amenity associated with the construction phase of the development.
- The appeal outlines that insufficient information is provided in relation to the grid connection to the site and there will be cumulative impact to residents in the area.

Prematurity & Project Splitting

- The appeal outlines that the application is premature pending kilovolt line permission and upgrade to existing substation and transformers as detailed within the application.
- The development is dependent on a substation and related transmission lines which do not form part of the application and therefore constitutes project splitting. The substation requires to be considered under 92/43/EEC.

Requirement for an Environmental Impact Assessment

- The appeal outlines that the proposal is within a class of development that is required to be screened for EIA under Schedule 5 Part 2 Paragraphs 3 (a), (b) and (c) of the Planning and Development Regulations.

Lack of Regulation.

- The appeal raises concern in relation to lack of government regulation and oversight of BESS sites.

Applicability of COMAH Regulations & Seveso Directive

- CCC did not question if the COMAH Regulations apply to the development. There is a statutory requirement for pre-decision assessment with public consultation before a decision is made by CCC. The appeal refers to guidance from Dr Edmund Fordman which cites various COMAH

Regulations/Apex Directives are applicable. The appeal outlines that CCC has erred in law in not following the COMAH Regulations.

- Cavan County Council failed to raise any issues with the competent authority in relation to regulation of dangerous or hazardous substance storage. Lack of risk assessment.
- Breach of the Seveso directive.
- Failure to consider EU Waste Directive.

Lack of Consultation

- Lack of consultation with the EPA and HSA.
- Lack of Public Consultation. No emergency plan is in place and no public consultation with assessment on safety has been undertaken.

Validity of the Application

- Plans and specifications do not meet the Planning and Development Regulations.

Insufficient Information

- Lack of assessment of fauna in the area. The site is a unique habitat with several species living there.
- Lack of a credible Noise Impact Assessment.

Stage 1 Screening Assessment

- The process has not been carried out in accordance with the requirements of 92/43/EEC which relates to the development itself or in combination of other plans or projects.
- Conservation objectives for Natura Sites have not been identified which invalidates the application.

Non-Compliance & Material Contravention of the Cavan County Development Plan

- The land is not zoned for heavy industry and results in a contravention of the CCDP.

- The appeal outlines that the proposal is contrary to the provisions of Objectives GE 04 and EDO 02 of the CCDP and Environmental Governance Principle EG3 of the Cavan County Council Climate Action Plan.

Appendices

The following reports/articles are attached as Appendices to the report:

- Dr. Paul Christensen report
- Review Article- Journal of Energy Storage
- Atkins Report
- Fire Data list events
- Merseyside fire officer report
- NFCC UK report / Guidance Document
- Beijing April 2021 case study
- Planning and Environmental Report
- Environmental Noise Assessment
- High Court Order 8/3/2024
- Maps of the area
- Questions to Ministers
- Planning Notice
- Article from Farmers Journal 02/03/2024
- A copy of the appellants observation on the application is also attached to the appeal.

7.2. Applicant Response

- 7.2.1. A response to the grounds of appeal was submitted on behalf of the applicant. The following provides a summary of the key points raised:

Introduction

- The appeal response outlines that many of the issues raised in the grounds of appeal relate to the safe operation of the proposed development. It is stated that these points were addressed in response to CCC's request for further information.

Lack of Public Consultation

- There is no requirement under the Planning and Development Act for the applicant to engage in public consultation. Interested parties had the opportunity to make submissions on the planning application and have the right to appeal.

Distance between BESS units & Access for Fire Service

- While the final model, designer and manufacturer of the BESS containers has not yet been selected, the implementation of a 3m separation distance between BESS containers accords with safety and design requirements of all BESS container manufacturers. This will also facilitate access to the fire service through the site. The proposed development has been designed in accordance with fire-fighting requirements.
- The operation of the development can be supervised and managed at an off-site control centre and do not require personnel to be present at all times. The development will be monitored with parameters such as electrical current, voltage, temperature and operational efficiency being recorded and in additional regular on-site maintenance will be carried out.

Fire suppression

- Battery modules (cells) will be insulated from its neighbouring cell. In the instance of a fire event, the fire and heat will not be capable of penetrating the insulation and affecting any neighbouring cells/racks.
- Furthermore, the BESS containers will include deflagration panels, which in the event of a fire, will open to allow for the dispersal of heat and avoid a build-up within the affected BESS container.

Fire Fighting Personnel

- Firefighting requirements at the proposal have been discussed in detail with Cavan County Council Fire Service. The appeal response outlines that due to the characteristics of a BESS fire the most appropriate approach is for the fire service not to intervene, the fire service may need to intervene to prevent the spread of fires to adjoining containers.
- The applicant has engaged in consultation with the fire service in CCC, will engage in further consultation prior to the commencement of development and will prepare a detailed site-specific Fire Safety Risk Assessment.

Risk of Explosion

- The avoidance of a build-up of gases will allow for the localised venting of heat and gases thus avoiding the risk of explosion.

Fire hydrants and circular route

- The appeal response refers to the rapid evolution of BESS and approach to fire fighting and outlines that a specific fire-fighting system has not been detailed as current firefighting procedures for BESSs are likely to have been superseded by more modern approaches in the period between the lodgement of the application and commencement of construction.
- A fire-fighting system will be agreed with the Planning Authority prior to the commencement of development. The appeal response refers to the applicant's response to Item 2 of CCC's request for further information which outlines that the on-site attenuation system has been designed in accordance with industry standards to ensure that sufficient capacity is available to accommodate waters arising from any fire suppression requirements.
- The appeal response refers to ABP Ref: 315485-23 wherein a condition was attached requiring details relating to water provision for firefighting purposes to be agreed with the planning authority prior to the installation of the BESS. The applicant would welcome a similar condition in the instance of a grant of permission.

Insufficient Information

- The appeal response outlines that a substantial volume of fire safety information was submitted in conjunction with the application and in response

to CCC's request for further information. The applicant engaged with the Fire Officer in CCC and refutes the suggestion that the Fire Officer/Planning Authority had insufficient information to undertake an assessment of the proposal.

Fire Suppression Systems & Notification of First Responders

- The applicant outlines that while BESS infrastructure is evolving at a rapid pace the implementation of a fire suppression system is relatively standardised across the industry. The applicant can confidently predict the type of fire identification and suppression systems likely to be installed.
- 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 management plan/protocol to be agreed with the Planning Authority prior to the commencement of development.
- The applicant is committed to continued consultation with the Fire Officer, subject to a grant of planning permissions, including in respect of the implementation of a comprehensive Fire Safety Risk Assessment and management plan/protocol.

Impact on Watercourses

- The appeal response outlines that the implementation of the proposed drainage system and surface water control measures will ensure that water being discharged from the proposed development site is appropriately treated such that there is no deterioration of downstream water quality (as set out in Section 3.9.3 of the Planning and Environmental Report). The proposed development will therefore not adversely affect any downstream ecological receptors.

Access Arrangements

- The proposed access tack is deemed appropriate to serve the construction, operational and decommissioning phases of the development.
- The development will not result in significant effect on traffic, transport and access.

- In the event of an emergency, emergency services will utilise the local road network to access the proposed development site. The BESS compound is located c. 350m from the main artery of the local road network and in the event of a fire emergency vehicles will not be required to park along the public road thus ensuring the avoidance of traffic hazard.
- Construction phase of the development is envisaged to have a duration of approximately 18 months. During this time, it is envisaged that average HGV movements on the road will increase by 2. The appellants contention that construction traffic will be constant nuisance is unfounded.
- The appeal refers to traffic associated with the construction of the proposed development's grid connection. The appeal response outlines that while this does not form part of the current application, cumulative impacts of the development and grid connection are addressed within Section 5 of the Planning and Environmental Report submitted in support of the application. In combination impacts are deemed to result in direct, indirect, slight - imperceptible effects of a short-term duration.
- The appeal response refers to the requirements of Condition no. 14 of CCC's notification of decision to grant permission for the development which relates to the submission of a Traffic Management Plan as part of a Construction Management Plan to be agreed with the Planning Authority.
- The site attenuation system has been designed in accordance with industry standards to ensure sufficient capacity is available to accommodate waters arising from any fire suppression requirements.
- The report on file from the Municipal District Office in CCC raises no objection to the development subject to conditions. The PA therefore consider that access arrangements are acceptable and appropriate for the development proposed.

Prematurity pending Grid Connection

- The appeal response outlines that details of grid connection infrastructure will be subject to consultation with EirGrid or ESB Networks in the event of a grant of permission. This is the case with other renewal and energy related

developments and has been accepted by Planning Authority's and the Board. The issue of prematurity is therefore deemed not to arise in this instance.

COMAH Regulations

- The appeal response outlines that the requirements of the COMAH Regulations do not apply in the instance of the proposal. The appeal response outlines that the development will be operated strictly in accordance with manufacturer specification and in accordance with the highest health and safety standards.

Failures of Cavan County Council

- The appeal response outlines that concerns raised within the submissions on the application in relation to safety, traffic and prematurity of the proposed development are addressed.
- In response to the appellant's assertion that the PA failed to carry out an Appropriate Assessment of the development the appeal response outlines that an Appropriate Assessment of the proposed development is set within the planner's report.

Validity of Application

- The appeal response outlines that the application was submitted in accordance with the provisions of the Planning and Development Regulations and deemed valid by the Planning Authority.

Material Contravention of Cavan County Development Plan

- The appeal response outlines that the development is in accordance with the provisions of the CCDP which seek transition to a low carbon, competitive, climate resilient and environmentally sustainable County and accords with Objective EDO 06 which seeks to support proposals for energy storage systems and infrastructure.
- The appeal response outlines that a material contravention does not arise in the context of the proposal and cross refers to Section 4 of the Planning and Environmental Report submitted in support of the application.

Project Splitting and requirement for an Environmental Impact Assessment Report

- The appeal response outlines that the appellants assertion that the proposed development falls for an Environmental Impact Assessment (EIA) under Schedule 5, Part 2, Paragraphs 3(a), (b) and (c) is entirely incorrect. Class 3 (a) refers to installations for the production of electricity, steam and hot water, however the development does not produce electricity, steam and hot water. In terms of Class (b) the appeal response outlines that the development does not carry gas, steam and hot water and the development does not provide for the storage of natural gas as provided for under Class (c).
- The appeal response outlines that the development is not of a type or class of development listed at either Part 1 or Part 2 of Schedule 5. A mandatory EIAR is not required in this regard. The appeal response cross refers to the EIA Screening submitted in support of the application which outlines that significant effects on the environment were not likely and that a sub-threshold EIAR is not required.
- The appeal response outlines that given that the EIA Directive does not apply in this instance and cross refers to case law O' Grianna & Ors. v. An Bord Pleanála (2014) IEHC 632 relating to the matter of project splitting, similarly, does not apply to the proposed development.

Conclusion

- The Commission is requested to uphold the decision of the Planning Authority and grant permission for the development.
- Current planning policy recognises that the development of BESS developments will be a major contributor to Ireland's efforts to achieve renewable electricity generation targets.
- The appeal site is suitably located for a BESS of the scale proposed. The proximity of the site to the existing Arva 110kv electricity substation avoids the requirement for extensive interconnecting infrastructure.
- The appeal response outlines that the proposed development would 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 appeal response outlines that the matters raised were addressed under the original planning application as contained in the Planner's Report (dated 28/03/2024). The Commission is requested to uphold the decision of the Planning Authority to grant permission for the proposed development.

8.0 Section 132 Notice - Further Information

8.1. Background

- 8.1.1. Having reviewed the application documentation, submissions, planning authority reports and decision and the contents of the appeal, I considered that there were information deficiencies within the application in relation to a number of matters and recommended a request for further information.

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 points raised within the points 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).

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/private water supplier in relation to any proposed connection to the public or private 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 (b) considers the proposal in accordance with the requirements of the Water Framework Directive.
7. 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). Further assessment is required in terms of examining potential for significant effects by means of ground or surface water contamination and potential fire-water contamination and associated mitigation measures.
8. The applicant is requested to submit the following information/documentation:
 - A revised Site Layout Plan which clearly illustrates the location of existing powerlines which traverse the site.
 - An Ecological Impact Assessment
 - A Road Safety Audit of the proposed access and adjoining access road.
 - Auto track drawings illustrating emergency vehicle access to and circulation within the site
 - A Construction and Environmental Management Plan

9. Submit a revised Environmental Impact Assessment (EIA) 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 Commission's Section 132 request on the 6th of February 2026. The following provides a brief summary of the applicant's response to each of the points raised within the FI request:

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 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. However, this infrastructure is assessed within the EIA Screening Report and AA Screening Report to allow for a comprehensive assessment of cumulative assessment. (b) The FI response outlines that on the basis of appraisals undertaken to date, it is likely that the proposed development will connect to the existing Arva 110kV electricity substation located immediately to the south of the proposed development site. It is stated 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. It is currently predicted that all works will be undertaken within private land and within the L2035. The FI response outlines that given the immediacy of the Arva 110kV substation, it is currently predicted that all works will be undertaken within private land with no infrastructure to be installed within the L2512.
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 101MW / 404MWh. The

development will comprise modular battery storage containers and associated supporting infrastructure designed in accordance with established industry standards for utility-scale BESS installations. 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 this application. Revised Drawings are attached as Appendix 1 of the FI response.

3. The FI 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. The FI response outlines that the proposed BESS has been designed specifically to minimise the likelihood of a fire from starting at the facility through battery selection and adherence to best practice and up to date guidance/standards. The design and layout of the facility aims to minimise the consequences of a fire on site should one occur and prevent any offsite impacts. (b) An Emergency Response Plan is attached as Annex 4.
5. 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. Firefighting water is supplied via a 540m³ capacity water supply tank which will feed 2 hydrants on site. The tank has been designed to have sufficient capacity for two hydrants to be used at a time and we can confirm that there is a minimum provision of 1,900 litres of water for 2 hours available. The FI response outlines that Groundwater Abstraction Feasibility Scoping Assessment has been undertaken to

assess the feasibility of installing groundwater supply (Annex 5: Appendix F) has determined that given the hydrogeological and geological setting of the site that the groundwater well will meet the site's water demand in full as it has the capacity to achieve the required yield and as such, is technically feasible.

The Section 132 response outlines that provision for firefighting water containment has been provided which significantly exceeds the firewater supply storage to be maintained at the site and, included a significant buffer to allow for water provided on board by fire tender vehicles or mains water supply in that event.

6. The FI response outlines that Uisce Éireann were consulted with in relation to the provision of a water supply; however, as Uisce Éireann (see email confirmation of same at Annex 5: Appendix G) are not the local supplier of water in this area, it was decided to investigate the supply of water from an on-site borehole. McCloy Consulting undertook a hydrogeological assessment of same (Annex 5: Appendix F) and have accordingly observed that the water supply from such a source in conjunction with a hydrant system could facilitate the required amounts of water under NFCC standards.

The FI response outlines that the objectives of the Water Framework Directive (WFD) are addressed within the revised Drainage Plan (Annex 5: Section 6) and have concluded that the proposed development will not result in the deterioration of status of the ERNE_070 river waterbody or the IE_NW_G061 groundwater body, and will not prevent achievement of their applicable Water Framework Directive objectives.

7. Blackstaff Ecology have prepared a Natura Impact Statement which assessed all development impacts including watercourse culverting and this can be found at Annex 6. The NIS concludes, beyond all reasonable scientific doubt, 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.

8. A revised Site Layout Plan and Auto Track Drawings are attached as Appendix 1. The revised Site Layout Plan illustrates the location of existing powerlines which traverse the site. The site is now designed around the existing 110kV electrical infrastructure with appropriate set back distances as required, there is a local electrical supply line on the southern compound which will need to be redirected at the cost of the developer. An Ecological Impact Assessment is attached as Appendix 7; a Road Safety Audit is attached as Appendix 8 and a Construction and Environmental Management Plan is attached as Appendix 9.
9. A revised Environmental Impact Assessment Screening Report is attached as Appendix 10.
10. Revised Drawings are attached as Appendix 1. A revised Noise Impact Assessment is attached as Appendix 11.

FI Response Conclusion

- 8.3.2. The applicant's Section 132 response concludes that 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 Arva 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: Natura Impact Statement
- Annex 7: Ecological Impact Assessment Report
- Annex 8: Road Safety Audit
- Annex 9: Construction Environmental Management Plan (CEMP)
- Annex 10: Environmental Impact Assessment Screening Report (EIASR)
- Annex 11: Noise Impact Assessment (NIA)
- Annex 12: 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 Commission furthermore circulated the Section 132 response to parties of the appeal for comment.
- 8.5.2. The following provides a summary of the key issues raised within the submissions.

Planning Authority Response (24/06/2026)

- The Planning Authority have noted the contents of the submission and have no further comments to make.

Inland Fisheries Ireland (24/04/2026)

- The River Erne and Lough Gowna are renowned coarse fisheries.

- The submission outlines that watercourses including streams and ditches that occur within the property should be protected in terms of water quality, topography and habitat. Hedges and ditches containing native trees. In the event of a grant of permission measures to minimise damage during construction should be put in place.
- The submission refers to the guidance set out within the IFI publication “Protection of Fisheries Habitat during Construction and Development Works.
- The submission outlines that hazardous substances should be stored away from watercourses and measures should be incorporated to prevent the introduction of Alien Invasive Species.

Submissions from Residents & Businesses in Area

- 8.5.3. 22 no. submissions were received from residents & business operators 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.
- 8.5.4. 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 Proposals

- The submissions raise concern in relation to the revised proposals which increase the number of containers from 62 as originally proposed to 72, changes to container height, width, footprint, mass and power. The submissions outline that the proposed increase in BESS units increases risk associated with the development.
- The proposed increase was not requested by the Commission. The Commission is being asked to determine on appeal, a materially different project from that granted by CCC in the first instance.

Inadequacy of Further Information Response

The submissions outline that the applicant's FI response does not adequately addresses the items raised within the Commission's Section 132 request. The submission from Gráinne Eccleston outlines the following in this regard:

- Item 2 – The applicant has not determined battery chemistry. The FI response refers to two different cell chemistry's CATL CB310 and CATL EnerX.
- Item 3 – Compliance with the requirements of Section 32H remains unresolved.
- Item 4 – The FRMP and ERP are high level risk and response frameworks. The proposed fire-fighting system design is deferred to post consent detailed design.
- Item 5 – The applicant is proposing an on-site borehole as a source for firefighting water. The borehole has not been drilled and its yield, quality and capacity is unknown.
- Item 7- The submitted NIS is inconsistent in terms of conclusions on potential adverse effects.
- Item 9 – EIA Screening – The Screening restates the conclusions of the EIASR submitted in conjunction with the application. The report does not engage with the Commission's request for further information.
- The submissions outline that the applicant's FI response raises further concern in relation to the following: Fire safety provisions, firefighting water, access, road safety considerations, environmental risk, impact on residential amenity, health and safety risks.
- The following matters were not raised within the Commissions further information request are also deemed to be of relevance:
 - Absence of prior hydrological investigation required under Article 6 of the Groundwater Directive and established in case law C-248/05 Commission v Ireland on the Ballymurtagh landfill. This imposes a duty of prior hydrological investigation before consent can be given on lands at the

vulnerability class presented on the site. The applicant proposed post consent survey work.

- Two completed exposure pathways from the site to the Lough Oughter SAC including (1) surfacewater, groundwater and drinking water (2) atmospheric deposition and inhalation. In terms Item 1 the submissions outline that no hydrological investigation has been carried out to characterise the groundwater sub-pathway and no Drinking Water baseline assessment has been carried out. In terms of Item 2, the submissions outline that the applicant's NIS does not include atmospheric dispersion or deposition modelling.
- The absence of any cumulative assessment of the proposal with the concurrent appeal at Shankill Lower (ABP Ref: 319534-24). The proposed 2 BESS development inject into opposite ends of the same 110KV transmission circuit in the same Natura 2000 catchment.

Petition

- The submission from Gráinne Eccleston outlines that a petition concerning this appeal and the Shankill Lower appeal (ABP Ref:319534-24) has been lodged jointly with the Committee on Petitions of the European Parliament on the 26th of April 2026 under Article 227 of the Treaty of Functioning of the European Union.
- The Commission does not have discretion to issue a consent that discharges the Member State's duties under the Groundwater Directive, Habitats Directive, Environmental Impact Assessment Directive or Drinking Water Directive.

Procedural Issues

- The site notice was not in place during the Commission's site inspection.
- Failure to maintain the notice until the Commission's own inspection constitutes a breach of public participation requirements imposed under Article 6 of the Aarhus Convention.
- Parts of the applicant's response to CCC's request for further information was not available to 3rd parties.

Access

- Substandard Access and Inadequate Road Access – The site is served by a substandard rural road network, characterised by narrow road widths, restricted geometry, and limited structural capacity, which is wholly unsuitable for the level and nature of traffic associated with the proposed development. The road network cannot accommodate two-way traffic and does not provide turning or passing opportunities for large vehicles including emergency and construction vehicles.
- The constrained nature of the road network is fundamentally incompatible with the scale and nature of the proposed development. The Road Safety Audit underestimates the constraints associated with the local road network.
- The local road network is not maintained during periods of adverse weather conditions. In such conditions road surfaces are hazardous and impassible. During adverse weather emergency service vehicles will be delayed or unable to access the site.
- The development fails to comply with the requirements of Section B5 of the Technical Guidance Document B (Fire Safety) which requires adequate access for fire vehicles. The access route measuring 2.6 to 2.8m falls significantly below the accepted minimum standard of 3.7m for emergency access. Traffic accessing the site would need to pass over the 2.5m wide bridge over the Erne tributary.
- The development represents a traffic hazard and unacceptable risk to public safety and warrants a refusal of permission.
- The applicant has failed to address the frequency, timing and peak hour concentration of HGV movements. Construction traffic will damage local roads.
- The Road Safety Audit is limited to the immediate site access and does not extend to the receiving rural road network, which is substandard and constrained. No Construction Traffic Management Plan has been submitted, and construction phase impacts have not been adequately addressed.

- The application documentation includes assertions of compliance which are not supported by detailed design drawings, engineering analysis or independent verification. The gradient at the site entrances is not assessed. There is no assessment of operational safety under varying conditions including adverse weather or emergency scenarios.
- The Noise Impact Assessment does not address traffic related noise and disturbance and does not reflect the quiet rural environment where low levels of noise are highly intrusive. It does not address tonal to low frequency noise. The development is contrary to the objective to protect residential amenity.
- The application fails to assess cumulative and prolonged impacts including the cumulative impact of construction traffic, noise and road safety risks, interactions between traffic impact, road deficiencies and emergency access and additional risks arising during adverse weather conditions.
- Failure to Comply with Statutory Requirements including:
 - The Planning and Development Act – safeguards public safety and protects residential amenity
 - Environmental Protection Agency Guidance – which requires a proper assessment of construction noise and environmental impacts
 - Established planning principles requiring development to be served by infrastructure of adequate standard under all conditions including adverse weather.
 - Contrary to Design Manual for Urban Roads and Streets: which require safe and adequate road widths, safe interaction between vehicles, pedestrians and cyclists and suitability of roads for intended traffic.
 - The Traffic and Transport Assessment Guidelines require that developments demonstrate safe access, assess impacts on road safety and accommodate emergency and service vehicles. Given the narrow road widths, constrained access, potential one-directional access limitations and bridge or structural constraints the proposal fails to demonstrate compliance with these requirements.

- Contrary to the Roads Act 1993 and Road Traffic Acts which require that developments do not endanger public road safety or interfere with the safe and free flow of traffic.
- Northern Ireland Fire and Rescue service requires a minimum of 2 access points to BESS sites.
- The Commission is requested to refuse permission for the development for reason relating to:
 - The substandard and constrained nature of the access road network.
 - The unsuitability of the route for sustained articulated HGV traffic.
 - The absence of winter maintenance and the impact of adverse weather conditions.
 - The resulting restriction on emergency service access, including fire response.
 - The failure to assess construction phase noise and traffic impacts.

Inadequate Water Supply

- The submissions outline that the proposed development fails to demonstrate an adequate water supply, particularly in the context of fire safety requirements, environmental protection, protection of existing private water supplies and compliance with Irish Planning Law and EU environmental obligations.
- Absence of a Mains Water Supply is a Fundamental Infrastructure Deficiency. Reliance on a private borehole as the sole source of water is fundamentally flawed.
- The submissions outline that reliance on groundwater abstraction raises several issues including: groundwater yields can fluctuate depending on seasonal conditions, pumping capacity may not sustain flows required during a major emergency and no long terms yield appears to be provided demonstrating reliable supply. No evidence has been provided demonstrating that the supply is sufficient for a BESS fire event.

- Fire service response time to the site is approximately 40 minutes and therefore the consequences of a lithium-ion battery fire could escalate significantly before firefighting intervention occurs.
- The application proposes complete reliance on a borehole abstraction which is uncertain in yield, unregulated in terms of competing local demand and impact on local wells. No hydrological assessment has been provided to demonstrate sustainable yield, absence of drawdown impacts or any interference with neighbouring supplies.
- The reliance on borehole is considered inappropriate in the context of a high-risk BESS facility. BESS fire events are difficult to extinguish, prolonged in duration and require significant and sustained water volumes. Given the restricted site access, the reliability of on-site water supply is critical.
- The submissions raise concern in relation to the lack of a site-specific hydrological risk assessment addressing the potential impact on groundwater. This is inconsistent with EPA Groundwater Protection Guidelines, EPA Guidance on the Protection of Water Supplies and Objectives of the CCDP.
- The potential impacts of groundwater abstraction have not been properly assessed. The application fails to assess groundwater vulnerability, impact on groundwater dependant ecosystems, connectivity between groundwater and the River Erne system, risk of contamination pathways in the event of firewater infiltration.
- The reliance on unproven borehole supply introduces uncertainty in relation to firewater availability, groundwater sustainability and environmental protection. The submissions question the suitability of the site to accommodate the development in the absence of a reliable water supply.
- The development does not comply with the requirements of the Cavan County Development Plan 2022-2028 which outlines that all development proposals should be served by appropriate water services infrastructure.
- The development is inappropriate due to the absence of a secure and reliable water supply and unjustified reliance on a borehole abstraction system. This represents: a serious risk to public safety, a potential threat to existing water

users, a failure of complete environmental assessment and a fundamental deficiency in infrastructure provision.

- The Commission is requested to refuse permission for the development in the absence of an adequate, reliable and sustainable water supply and would give rise to unacceptable risks to public safety, the environment and existing water users.

Emergency Response

- The application fails to demonstrate adequate emergency response can be achieved. There is no assessment of access, manoeuvrability, water supply or response times.

Fire Risk and Public Safety

- The submissions cite instances of BESS fires including Merseyside fire in Liverpool in 2022 and lithium-ion battery fire at Claregalway in January 2025. In the event of a similar thermal runaway incident the combination of restricted emergency access, delayed response time, limited evacuation routes for residents and uncertain water supply will increase risks to residents in the area.
- Reliance on remote monitoring will delay intervention in the event of a developing battery fire.
- Inadequate consideration of Fire Risk: The application fails to demonstrate adequate mitigation of thermal runaway, compliance with separation distances and sufficient fire suppression and containment measures.
- The application does not demonstrate to an appropriate level of detail how worst-case fire scenarios will be prevented, contained and managed, including separation distances, compartmentalisation, detection and suppression systems and emergency isolation procedures.
- A site-specific Emergency Response Plan should be required and agreed in advance with the relevant emergency services.
- Fire Fighting strategy is deferred until post consent detailed design stage within CCC's notification of decision to grant permission for the development.

Environment and Fire Risk

- The submissions outline that battery fires can release hazardous substances, including heavy metals and toxic gases which pose risk to air quality, soil and water sources. In a rural and environmentally sensitive site such as Pottle this could have long term consequences for agriculture, wildlife and public health.
- The submissions raise concerns in relation to the scope and content of the CEMP. The application fails to adequately address the environmental risks associated with a BESS particularly in the context of fire events, there is no assessment of fire water containment, contaminated runoff management and pathways for pollutant mitigation. The omission is contrary to the precautionary principle and to the requirements of the EU Water Framework Directive which seeks to prevent deterioration of water quality.
- The development poses a risk to public safety, the environment and private water supply.
- The submissions raise concern in relation to run off of contaminated water to adjoining lands.
- The application fails to demonstrate adequate containment systems, assess interaction with substation drainage and address downstream environmental impacts.
- Robust measures should be demonstrated for bunding/containment, drainage, design, monitoring, and incident response to ensure no contamination of surface water or groundwater.
- The submissions outline that the CEMP is deficient and largely procedural in nature with specific decisions to be made post consent. The CEMP outlines a range of environmental protection measures including drainage controls, pollution prevention measures and surface water management systems. There is no evidence of fire water containment design, polluted run off modelling or assessment of contamination pathways to nearby watercourses. There is no assessment of worst-case fire scenarios.
- The CEMP fails to demonstrate a reliable water supply for environmental protection measures, adequate surface water management supported by site-

specific modelling, a meaningful assessment of hazardous emissions or contaminated run off, integration with fire safety and major accident scenarios, consider the constrained access, robust ecological protection measures.

- The application does not provide a coherent, integrated or reliable assessment of the proposed development. The application documentation is inconsistent and fails to assess significant impacts including construction traffic, emergency response and fire-related environmental risks. The documentation includes assertions which are unsupported by technical evidence.
- The application fails to include any meaningful assessment under the Water Framework Directive.
- The submissions raise concern in relation to environmental risks associated with the disposal of the batteries.
- The submissions outline that the absence of any assessment of livestock evacuation, animal health impacts or agricultural land contamination represents a significant omission in the environmental assessment of the proposed development.

Decommissioning and End of Life Management

- The application documentation does not demonstrate how the following matters will be addressed:
 - Replacement of Battery Modules
 - Handling of hazardous battery materials
 - Decommissioning of infrastructure
 - Restoration of the site

Planning Policy

- The development is deemed to be contrary to the following provisions of the National Planning Framework:
 - NPF Objective 11 requires development to safeguard public safety and environmental quality.

- NPF Objective 75 requires infrastructure to be delivered in a sustainable and appropriate manner.
- NPF Objective 92 requires that development avoids or minimises environmental risk.
- Conflict with Climate Action Policy: The development relies on policy support under the Climate Action Plan 2023 which supports energy storage infrastructure. However, this support is not absolute. Developments must still comply with planning principles and avoid unacceptable risks to communities.
- Development is contrary to the Regional Spatial and Economic Strategy for the Northern and Western Region which requires compact and sustainable development patterns, protection of rural communities and infrastructure to be delivered in appropriate serviced locations. The siting of a high-risk industrial energy facility in a constrained rural area with substandard access is inconsistent with these principles.
- Conflict with Cavan County Development Plan: The development is contrary to policies which seek protection of residential amenity, safeguarding of public safety, provision of adequate access and infrastructure and appropriate siting of industrial energy developments. While there is a general support for renewable energy such developments must be appropriately located and fully mitigated.
- The development represents an inappropriate industrial use within a rural setting. The site is located within a rural area and not zoned for industrial format development.

ACP Planning Precedent & Legal Precedent

- ACP have issued refusals of permissions on grounds of inadequate access, insufficient infrastructure and risk to public safety (ABP Ref: PL17.245097 & PL27.247454). The proposal falls within each of these scenarios.
- The submissions refer to legal precedent under ACP Ref: C-258/11, C-164/17 and C-461/17 and outlines that permission cannot legally be granted where information deficiencies arise.

Concurrent Application

- The submission from Liam Madden refers to the Commission's request for further information under a concurrent appeal Ref: ACP Ref: PL - 500085-LD and outlines that the FI relates to the submission of a Natura Impact Statement which relates to the proposed Battery Storage Compound.

Requirement for EIAR and NIS

- The submissions outline that the original application was not accompanied by an EIAR or NIS. The application is deemed invalid in this regard.
- The Screening Report fails to adequately assess the proposed development against the mandatory criteria set out in Annex III. The conclusion of no risk of major accident is not supported. The BESS introduces risk of thermal runaway, storage of hazardous materials, potential for toxic emissions during failure scenarios and significant reliance on emergency response capability. No quantitative risk assessment, fire modelling or emergency response analysis has been undertaken.
- In terms of the Site Location, the Screening Report fails to take account of the proximity of residential dwellings, the constrained nature of the rural road network, groundwater vulnerability and hydrological pathways and risks of environmental contamination associated with firewater run-off.
- Characteristics: The failure to assesses major accidents and disasters represents a serious omission and in contrary to Annex III and the precautionary principle. The assessment on human health is superficial and fails to consider toxic emissions from battery fires, evacuation constraints and risks to nearby residents. The Screening Report dismisses cumulative impacts without analysis.
- The submissions outline that the development is likely to have significant effects on the environment and permission should be refused for the development on this basis. A full EIA is required, and permission should be refused for the development in its absence.

Project Splitting & Lack of Regulation

- The submissions outline that BESS developments cannot operate independently and require connection to the national electricity grid. The grid connection infrastructure, transformer compound and control building will form part of a separate proposals and constitutes project splitting.
- The application does not address the entirety of the development and constitutes project splitting to circumvent regulatory obligations particularly the requirement to carry out an EIA. All risks associated with the development are incomplete.
- There is no governance models or framework for the site and regulation of the development.

Natura Impact Statement

- The submissions question the effectiveness of the mitigation measures set out within the NIS.
- The submissions refer to contradictory statements within the AA Screening and Natura Impact Statement conclusions.
- The submissions cite case law including Sweetman v ABP, Kelly v ABP, Waddenzee (C-127/02), People Over Wind (C323/17), Holohan (C-461/17) and Sweetman v's An Bord Pleanála. It is stated that the NIS fails to meet the strict legal tests under Article 6(3) of the Habitats Directive.
- The NIS does not include complete, precise and definitive findings. The environmental risks including surface water run-off and sediment transport, hydrological connectivity to the River Erne system and risk of contamination from firewater and accidental spills are not adequately assessed.
- The proposed mitigation measures are generic and standard construction practices; measures are dependent on human compliance. No quantitative modelling or verification is provided, and no failure scenario analysis is provided.
- The NIS does not provide evidence to demonstrate the effectiveness of the mitigation measures under real world conditions, their reliability over a 35-year

operational lifespan and their performance under failure scenarios including fire events or extreme rainfall.

- The NIS fails to assess worst case fire scenarios.
- Inadequate assessment of hydrological connectivity to the Erne system. The NIS does not include detailed hydrological modelling, clear mapping of flow pathways or quantitative assessment of pollutant transport.
- The NIS fails to provide site-specific otter surveys. The NIS acknowledges that the pollutants may impact on fish populations which form the primary food source for otters.
- The submissions outline that the NIS fails to properly account for the close proximity of Pottle Bog, assess the functional ecological role of the bog or evaluate indirect pathways of otters. Pottle Bog is located within close proximity to the development site. The Bog functions as a wetland habitat, ecological refuge, hydrological feature feeding local drains and tributaries. The appeal site and the bog are connected through drainage channels, field channels and groundwater pathways and form part of a wider functional territory. Such Bog systems provide cover, shelter and feeding opportunities for. This is susceptible to surface water pathways, groundwater interactions and construction and operational disturbance.
- The NIS fails to assess cumulative impacts of other plans or projects including other permitted or proposed developments in the catchment, agricultural pressures and nutrient inputs and existing environmental pressures on the SAC and SPA.
- Inadequate consideration of SPA species and supporting habitat including disturbance impacts during construction and operation, indirect impacts on supporting habitats outside the SPA boundary and effects arising from changes in water quality.
- The conclusion of no adverse effects is not supported by sufficiently robust or site-specific scientific evidence.

Flood Risk

- The submissions outlines that the site is located on lands which are waterlogged with run-off draining to adjoining landholdings.
- No comprehensive assessment of Flood Risk is provided in conjunction with the application.
- The submissions question the effectiveness of the measures set out within the CEMP such as silt fencing, interceptor drains, settlement ponds, buffer zones and monitoring. These measures are temporary in nature, subject to ongoing maintenance and contractor compliance and not demonstrated to be effective in prolonged or intense rainfall conditions.
- The drainage strategy fails to demonstrate that the proposed system has sufficient capacity to manage, sustained heavy rainfall, peak run off conditions and inflows from hardstanding. No evidence of design capacity calculations, attenuation volumes or system performance in failure scenarios has been provided. In the absence of such information, it cannot be concluded that the proposed drainage system would prevent flooding or uncontrolled discharge.
- The CEMP includes measures including the cessation of construction during heavy rainfall periods. This recognises the sensitivity of the site to rainfall events.
- The application is deemed to be contrary to the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 which require a precautionary, risk-based approach to flood management.
- The proposed development would give rise to an unacceptable risk of flooding, uncontrolled surface water run off and environmental pollution.

Impact on Visual Amenity

- The submissions outline that the proposed pylons would obstruct Protected Views of the Bruce Mountain Walk Way.
- The proposed industrial scale infrastructure is at odds with the rural character of the area, potentially affecting tourism and the enjoyment of designated scenic routes.

- The BESS containers will detract from the natural landscape and views and will be clearly visible in the area.

Impact on Ecology

- Habitat Disruption: removal of hedgerows and trees, which serve as essential nesting sites and corridors for local wildlife.
- Risk to Bird Species: Swans and hawk face heightened risk of collision with overhead cables.
- Impact on Protected Species: Potential disturbance to local bat populations and other protected mammals in the vicinity.
- The submissions raise concern in relation to the scope and content of the EclA as follows:
 - lacks robust species surveys. Otter, pine marten, birds and bats are present within the area.
 - No assessment of lighting, disturbance or noise impacts.
 - No evaluation of indirect impacts via water contamination.

Health and Safety

- The submissions raise concern in relation to the long-term effects of exposure to Electromagnetic Fields (EMF's).
- The presence of overhead lines introduces safety risks for agricultural workers and landowners operating machinery in the area.

Noise Impact

- The NIA focuses on operational phase noise, fails to adequately assess night-time impacts and does not consider cumulative or tonal noise.

Inconsistencies in application documentation

- Discrepancy between 10-year permission and 35 year operational lifespan.
- Increase and size and scale of development at appeal stage.
- Incomplete integration of associated infrastructure – substation, drainage.

Prematurity

- The development is deemed premature in the absence of critical infrastructure including adequate water infrastructure, inadequate road and emergency access and deficient environmental assessment.

Impact on Residents

- The submissions outline that the development would undermine residential amenity and expose the community to unacceptable risk (Fire risk, toxic gas/fumes emissions). The nearest residential dwelling is 90m from the site.
- Financial liability associated with a fire event at the development is not addressed. Residents living in close proximity would be exposed to risks without adequate protection.
- The development could impact on and threaten water supply in the area.
- Restrict future development potential.
- Impact on residential amenity relating to noise, alarms, lighting and visual amenity. The application should demonstrate adherence to noise and lighting standards at nearest sensitive receptors supported by baseline monitoring and independent assessment.
- The submissions raise concern in relation to construction phase impacts over a 2-year period including traffic, noise, dust, air and ground pollution.
- Devaluation of property.
- Negative health impacts associated with the operational phase of the development.
- Release of toxic gases and impact on human health, livestock, animals and wildlife.

Impact on Local Business & Farming

- The submissions raise concern in relation to increase in HGV's in the area over a prolonged construction period increasing congestion and delays on the restrict local road network.

- The submission refer to the crucial importance of the local roads to agricultural and haulage operations.
- The application fails to adequately assess or account for the presence of established commercial operations (including Losset Stores Ltd.& Joe Harten Kitchens) and agricultural operations dependent on safe access from the road network.
- The scale of disruption particularly during peak agricultural periods would have direct consequences for farm operations, supply chains and economic viability of existing businesses.
- The submissions refer to inadequate infrastructure within the area including Erne Valley Water Supply.
- The submissions raise concern in relation to the impact of the development on farms within the area including impact on financial viability, fire risk and environmental hazards.

Conclusion

- The Commission is requested to refuse permission for the development. In the instance of a grant of permission the Commission is requested to apply strict conditions requiring a Fire Safety Report and Emergency Response Plan and a robust Construction Traffic Management Plan.
- Further submissions recommend a request for further information in relation to the following:
 - Hydrological investigation of the site
 - Atmospheric dispersion and deposition modelling
 - Drinking Water Directive Impact Assessment of Group Water Schemes and private wells
 - Cumulative assessment of the appeal with the proposed Shankill BESS development (ABP Ref: 319534-24).
 - Firefighting system design including suppression technology, water source, flow rates and containment architecture and assessment of mitigation measures.

- A revised NIS which meets the standard set by case law - C-258/11 and C461/17
- Withdrawal or full clarification of reference to Design Flexibility

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 and Compliance with Policy
- Design, Layout and Battery Specifications
- Piecemeal Development - Prematurity Pending Substation and Grid Connection and Project Splitting
- Fire Risk
- Water Supply for Firefighting Purposes
- Flood Risk and Drainage
- Water Quality and Water Framework Directive
- Access
- Visual Impact
- Impact on Residential Amenity
- Impact on Ecology and Wildlife
- Appropriate Assessment
- Other issues

9.2. Principle of Development and Compliance with Policy

Site Location and Description

- 9.2.1. The appeal site, with a stated area of 4.98ha, comprises parts of 2no. agricultural fields, located in the rural townland of Pottle, approximately 12km to the southwest of Cavan town. Access to the site is provided via a gated agricultural entrance from Pottle Lane L- 25121-0, located off the local road, L-2512-0.

Proposed BESS Development

- 9.2.2. 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 Arva substation is located to the southeast of the appeal site.

Compliance with National Policy

- 9.2.3. 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.
- 9.2.4. 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.

- 9.2.5. 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.
- 9.2.6. 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.
- 9.2.7. 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.
- 9.2.8. One submission on applicant's Section 132 response outlines that the development is contrary to Objectives set out within the National Planning Framework (NPF) which relate to safeguarding public safety and the environment. While I note that the objectives cited within the submission (11,75 and 92) do not correspond with the objectives included within the NPF, I consider relevant impacts associated with the development in further sections of this assessment.
- 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. I note the proximity of the site to the

existing Arva substation and consider that 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.

Material Contravention of Cavan County Development Plan 2022-2028

- 9.2.10. The third-party appeal outlines that the proposal constitutes a material contravention of the Cavan County Development Plan 2022-2028 on the basis of the siting of and industrial format development within an unzoned rural area.
- 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 Arva 110kV electricity substation thereby avoiding the requirement for extensive interconnecting infrastructure. 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 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. Section 7.10 of the Development Plan specifically acknowledges that rural areas have the potential to be harnessed for energy renewable projects 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 appeal outlines that the proposal is contrary to the provisions of Objectives GE 04 and EDO 02 of the CCDP which set out considerations for the assessment of energy conservation and renewable developments including best practice for design and siting and consideration of environmental impact, visual impact, traffic impact, impact on landscape, ecological impact, impact on designated areas and protected views and cumulative. The appeal furthermore outlines that the development is contrary to Environmental Governance 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”*. I consider such impacts in further sections of this assessment.

9.2.15. 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.

9.2.16. 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 62 no. containers which will house

battery infrastructure/technology, power control centre units, power conversion systems and upgrading of existing access and on-site access track.

9.3.2. Revised proposals were submitted in response to the Commission's request for further information. The revised proposals comprise the following:

- 72 nr. battery energy storage system units;
- 12 nr. Power Conversion System (PCS) units;
- 2 nr. PCC units;
- Proposed access tracks, 2.6m high palisade fence; and associated works;

9.3.3. 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 62 to 72 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.

9.3.4. 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 62 to 72) 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 49.40% decrease in the overall footprint and a 37.60% decrease in the overall mass of the battery containers compared with the originally proposed development. There are also fewer power conversion systems (PCSs) which have reduced from 16 to 12, a 25% decrease. The number of power control centres (PCCs) remains the same.

9.3.5. The FI response outlines that the overall footprint of the battery containers has decreased whilst ensuring requisite separation distances between individual containers, electrical infrastructure, firefighting infrastructure and site access. The development now includes a fire-fighting water tank on the southern compound as

prescribed in the Fire Risk Management Plan, Emergency Response Plan and Drainage Plans.

- 9.3.6. 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.
- 9.3.7. 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

- 9.3.8. The third-party appeal raised 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.
- 9.3.9. 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.
- 9.3.10. 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.
- 9.3.11. 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.

- 9.3.12. I note the reference to the request for Design Flexibility within the application documentation. The applicant was requested to provide clarification to this reference within the Commission's request for further information. 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. The submissions on the applicant's further information response outline that compliance with the provisions of Section 32H remains unresolved. However, I am satisfied that the applicant has provided clarification 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.

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 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 application documentation outlines that it is likely that the proposed development will connect to the existing Arva 110kV electricity substation located immediately to the south of the proposed development site.
- 9.4.2. 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 first party appeal outlines that the application is premature pending kilovolt line permission and upgrade to existing substation and transformers as detailed within the application. It is furthermore stated that the proposed development is dependent on a substation and related transmission lines which do not form part of the application and therefore constitutes project splitting.

- 9.4.3. 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.
- 9.4.4. 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 Eirgrid or ESB as appropriate in the instance of a grant of permission to determine the point of connection to the grid.
 - The FI response outlines that it is likely that the proposed development will connect to the existing Arva 110kV substation located immediately to the south of the proposed development site. It is likely that the connection method will comprise an electrical control building (or 'substation'), electrical transformer and electrical cabling (collectively known as a 'transformer compound').
 - The FI response outlines that given the immediacy of the Arva 110kV substation; it is currently predicted that all works will be undertaken within private land with no infrastructure to be installed within the L2512.
 - This infrastructure is assessed within the application documentation to allow for a comprehensive assessment of cumulative assessment.
- 9.4.5. 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"*.

- 9.4.6. I refer to the grounds of appeal which outlines that the proposed development is dependent on a substation and related transmission lines which do not form part of the application and therefore constitutes project splitting. Such concerns are reflected within the submissions on the applicant's further information response. However, in this regard I note that 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.
- 9.4.7. Having regard to the guidance set out within the SEAI and Government of Ireland Publication - Battery Storage Manual of Consenting Procedures 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.

9.5. Fire Risk

- 9.5.1. The third-party appeal raises significant concern in relation to fire risk associated with the development. The appeal outlines that Lithium-ion batteries pose a serious off-site public health and safety risk associated with malfunction leading to thermal runaway, vapour cloud explosion, toxic gas, plume and fire. The appeal outlines that there are significant information deficiencies within the application in terms of the proposed fire mitigation and firefighting strategy and raises concern in relation to the proposed remote monitoring of the facility.
- 9.5.2. The appeal is 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 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. 5 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"*.
- 9.5.6. The appeal outlines that Condition no. 5 of the PA's decision is objectionable and cross refers to Section 7.8.3 of the Development Management Guidelines which outlines that fire safety concerns may arise in terms of fire service access to the development and water supplies for firefighting. The Guidelines outline that under no circumstances should a condition be attached requiring an application to comply with the requirements of the fire officer.

Section 132 Request

- 9.5.7. 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

- 9.5.8. 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 101 MW / 404 MWh Battery Energy Storage System and associated ancillary equipment.
- 9.5.9. Section 3 of the report refers to BESS hazards and potential causes of a fire event on site. Potential hazards are identified within the FRMP as 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 site is located approximately 90m from the nearest off-site dwelling and in this regard, there is limited potential for a fire to be initiated off site.
- 9.5.10. The FRMP outlines that the proposed BESS system adjacent to Arva 110kV substation has been designed specifically to minimise the likelihood of a fire from starting at the facility through battery selection and adherence to best practice guidance and standards. In terms of battery chemistry, the FRMPS outlines that the proposed BESS installation will use LFP battery cells which have higher thermal and mechanical stability and therefore a lower tendency for thermal runaway compared to NMC batteries. The FRMP outlines that the development will be designed in accordance with most up to date industry standards and best practices (as detailed in Section 4.2 of the FRMP).
- 9.5.11. The submissions on the Section 132 response raise concerns in relation to the scope and content of the FRMP. The submissions outline that the application fails to

demonstrate: adequate mitigation of thermal runaway, compliance with separation distances and sufficient fire suppression and containment measures.

9.5.12. 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 or from impacting off site receptors. 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 90m 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.

9.5.13. 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. On the basis of the information submitted I am satisfied that appropriate separation distances are provided.

9.5.14. 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 9.9 of this report.

9.5.15. 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 siting relative to existing residential dwellings.

Dispersion Modelling

- 9.5.16. 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.
- 9.5.17. 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.
- 9.5.18. 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.
- 9.5.19. 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

- 9.5.20. 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.

9.5.21. 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. The EMP outlines that 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. I am satisfied that there are no residential receptors within this area. 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.

9.5.22. 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.

Conclusion

9.5.23. 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.

- 9.5.24. 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 Firefighting purposes

- 9.6.1. The appeal raises concern in relation to the lack of water supply to serve the development particular in the context of a fire event at the facility. The appeal outlines that the area in the vicinity is served by the Erne Valley Water supply and outlines that existing residential properties within the vicinity of the site experience issues with water supply and low water pressure. The appeal refers to lack of consultation with Erne Valley Water in respect of the proposal and questions the capacity of the system to cater for the volumes of water required in the event of a fire.
- 9.6.2. No water supply was proposed as part of the application. The applicant's response to Question 20 of the Planning Application Form which relates to Proposed Source of Water Supply is "Not Applicable". In Section 2.6 of the Planning and Environmental Report outlines that a dedicated water source is not required due to infrequent use and instead a rainwater harvesting system will be incorporated.
- 9.6.3. Section 7.8 of the Development Management Guidelines 2007 suggests that water supply for firefighting is relevant to proper planning and sustainable development. I refer to the detailed grounds of appeal and accompanying technical report's which raise concern in relation to the lack of proposals for water for the site. Experience of actual BESS fires indicates that water is the only method for managing a thermal runaway fire. The UK National Fire Chief 's Council Guidance states a minimum of 1,900 litres per minute of water for 2 hours, should be provided.
- 9.6.4. I refer to Item 2 of Cavan County Council's request for further information which 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. The appeal response refers to the applicant's response to Item 2 of CCC's request for further information which outlines that the on-site attenuation system has been designed in accordance with industry standards to ensure that sufficient capacity is available to accommodate waters arising from any fire suppression requirements.

- 9.6.5. 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.

- 9.6.6. 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 5 of the PA decision as follows:

5. 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.

- 9.6.7. The third-party appeal raises concern in relation to lack of proposals for water supply. The appeal outlines that the applicant has not obtained consent for connection to the Erne Valley Water Scheme and raises concern in relation to the

capacity of the scheme to accommodate the volumes of water required in the event of a fire incident at the site.

- 9.6.8. The applicant's 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 ABP Ref: 315485-23 wherein a condition was attached requiring details relating to water provision for firefighting purposes to be agreed with the planning authority prior to the installation of the BESS. The applicant would welcome a similar condition in the instance of a grant of permission.
- 9.6.9. I have reviewed the Drainage Strategy submitted in support of the application. Drawing no. DWG_100 "Proposed Drainage Strategy General Arrangement" illustrates the provision of an attenuation basin on site which provide 170 m³ storage. The UK National Fire Chief 's Council Guidance states a minimum of 1,900 litres per minute of water for 2 hours, should be provided. I am not satisfied that the volume of water within the proposed attenuation tanks is sufficient to cater for the water requirements in the event of a thermal runaway event as cited within the UK National Fire Chief 's Council Guidance.

Section 132 Request

- 9.6.10. 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.
- 9.6.11. 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.

- 9.6.12. 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 540 m³ water holding tank has been proposed as part of the firefighting provision. The water supply tank which will feed all hydrants on site. The tank has been designed to have sufficient capacity for two hydrants to be used at a time having regard to the site layout which includes 2 separate BESS compound areas.
- 9.6.13. The applicant's FI response outlines that provision for firefighting water containment has been provided which significantly exceeds the firewater supply storage to be maintained at the site. I am satisfied that the capacity of the storage tank at 540m³, would exceed the NFCC guidance of 1,900 litres of water for 2 hours (228m³) 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 540 m³ (i.e. NFCC guidance 2023 + 20% / NFCC guidance 2025 + 50%).

Water Supply

- 9.6.14. In terms of water supply, the Flood Risk Assessment and Drainage Strategy refers to 2 no. potential water supply sources namely (1) connection to UE network and (2) On-site borehole. The applicant's FI response Cover Letter outlines that Uisce Éireann were consulted with in relation to the provision of a water supply and refers to correspondence from Uisce Éireann (Appendix G) which confirms that they are not the local supplier of water in this area. I note that the correspondence from UE attached as Appendix G of the Flood Risk Assessment and Drainage Strategy includes a response to the applicant's initial feasibility request and does not provide confirmation that Uisce Éireann does not serve the area. Notwithstanding this, I note

that the third-party appeal and submissions on the applicant's further information response outlines that the area is served by the Erne Valley Water Scheme.

- 9.6.15. A Groundwater Abstraction Feasibility Study is attached as Appendix F of the Flood Risk Assessment and Drainage Study. The report outlines that abstraction from the underlying bedrock aquifer is potentially viable subject to detailed design, drilling and testing. Table 2.2 of the report outlines that wells in the vicinity yield between 19m³ and 98m³ per day. The report outlines that assuming a daily yield on 43m³ per day the tank would take 14 days to refill. The report outlines that the tanks would not rely on instantaneous flow from water source and water supply is for replenishment purposes only.
- 9.6.16. The submissions on the applicant's further information response question the feasibility of water proposals and question the overall suitability of the site to accommodate the development in the absence of a reliable water supply. The submissions outline that reliance on groundwater abstraction raises several issues including: groundwater yields can fluctuate depending on seasonal conditions, pumping capacity may not sustain flows required during a major emergency and no long terms yield appears to be provided demonstrating reliable supply. The submissions outline that the proposed development fails to demonstrate an adequate water supply, particularly in the context of fire safety requirements, environmental protection, protection of existing private water supplies and compliance with Irish Planning Law and EU environmental obligations.
- 9.6.17. The submissions raise concern in relation to the lack of a site-specific hydrological risk assessment addressing the potential impact on groundwater. It is stated that this is inconsistent with EPA Groundwater Protection Guidelines, EPA Guidance on the Protection of Water Supplies and Objectives of the CCDP.
- 9.6.18. On review of the Groundwater Abstraction Feasibility Study, I share the concerns raised within the third-party submissions. The study provides insufficient detail in relation to the feasibility of a groundwater supply. No site investigations or groundwater testing has been undertaken to inform the assessment. The application drawings do not detail the location of the proposed well or assess the impact on local wells associated with the proposed drawdown. Insufficient information has been provided within the applicant's further information response to confirm the feasibility

of groundwater supply or assess the potential impact of abstraction on the groundwater body.

- 9.6.19. Notwithstanding the above, I have given consideration to the nature of the development and the requirement for storage of water on site for firefighting purposes only. The proposed on-site storage tank is designed to hold large volumes of water for fire-fighting purposes which exceeds NFCC guidance. The application documentation outlines that the storage tank does not rely on instantaneous flow from water source and water supply is for replenishment purposes only. The applicant's Section 132 response refers to the potential for groundwater abstraction. However as earlier noted, I do not consider that sufficient evidence has been set out within the application to confirm the feasibility or assess the impact of same. In the instance that groundwater abstraction is proposed I consider that this should be subject to a separate application to the Planning Authority. I recommend a condition to this effect in the instance that the Commission is minded to grant permission for the development.
- 9.6.20. In terms of alternative water sources, I consider that there is an option for water to be transported to the site to fill the tank. I am satisfied that confirmation of a water source for firefighting water can be addressed via condition in the instance that the Commission is minded to grant permission for the development.

9.7. Flood Risk and Drainage

- 9.7.1. The submissions on the applicant's further information response outline that the proposed development would give rise to an unacceptable risk of flooding, uncontrolled surface water run-off and environmental pollution. It is stated that the drainage strategy fails to demonstrate that the proposed system has sufficient capacity to manage, sustained heavy rainfall, peak run off conditions and inflows from hardstanding.
- 9.7.2. I refer to the updated Flood Risk Assessment and Drainage Strategy dated February 2026 and submitted in support of the applicant's response to the Commission's request for further information. Section 3 of the report sets out a Flood Risk Assessment and Table 3.1 presents an Initial Assessment of Possible Flooding Mechanisms at the site. Table 3.1 outlines that there is no evidence of Fluvial, Coastal, Urban Drainage or Groundwater Flooding in the area. Potential flooding

sources are identified as pluvial/surface water flooding and surface water discharge. The FRA outlines that OPW PFRA mapping indicates the east of the site may be at risk of pluvial flooding and the proposed development will cause an increase in impermeable surfaces on the site.

- 9.7.3. Section 3.3 of the report addresses surface water (pluvial) flooding and identifies surface water flow paths and relative depressions in the vicinity of the site. The FRA concludes that there is no significant surface water (pluvial) flood risk to the site and outlines that the site lies outside flood zones A and B. The site is located within Flood Zone C wherein the nature of development proposed is deemed acceptable.
- 9.7.4. The Flood Risk Assessment and Drainage Strategy outlines that ground conditions are poor draining with limited permeability, and the existing land drainage relies on field boundary drainage which discharges to the watercourse network. The report outlines that permanent surface water drainage design therefore adopts SuDS principles and ensures that runoff from new impermeable surfaces (tracks and ancillary infrastructure) shall be reduced to the pre-development greenfield rate. The proposed drainage system will cater for protection for up to a 1 in 1% AEP rainfall event including allowance for climate change. The design includes a 20% allowance for climate change with the assumption that all hardstanding areas are 100% impermeable. Provision of water quality protection and treatment of runoff is as per the indices guidance in the CIRIA SuDS manual.
- 9.7.5. The proposed storm drainage layout is included in Appendix A of the FRA. The report outlines that the proposed development essentially comprises 2 separate areas linked by an access track. Topography dictates that the 2 areas are considered separately; i.e. the northern BESS compound along with access track and substation compound, and southern area consisting of the BESS southern compound and access track as follows:
- Runoff from the proposed northern BESS compound will be conveyed via filter drain to the attenuation tank sewers.
 - Runoff from the future substation will be conveyed at greenfield rate by swale to the outlet.
 - The southern portion of the access track will drain to a swale and be discharged along with the run-off from the compounds at greenfield rate.

- Runoff from the southern BESS compound will be conveyed by filter drain to an attenuation basin and will discharge at greenfield rate.

9.7.6. Runoff calculations are set out within Appendix D of the report. The report outlines that the provision of permeable surface, filter drains and attenuation basin will provide pollution mitigation in accordance with SuDS manual. Section 4.5 outlines maintenance requirements for drainage features including inlets, outlets, controls and inspection chambers.

9.7.7. Two existing field drains cross the proposed southern compound as illustrated in Drawing no. DWG_101. The western field drain runs north to south and will be diverted along the western boundary of the site. The eastern field drain runs northeast to south and will be culverted below the site to connect to an existing field drain to the south of the compound.

9.7.8. The third-party submissions outline that no evidence of design capacity calculations, attenuation volumes or system performance in failure scenarios has been provided. In the absence of such information, the submissions outline that it cannot be concluded that the proposed drainage system would prevent flooding or uncontrolled discharge and the application is deemed to be contrary to the provisions of The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 which require a precautionary, risk-based approach to flood management.

9.7.9. Having reviewed the updated Flood Risk Assessment and Drainage Strategy I consider that the applicant has satisfactorily demonstrated that the proposed drainage strategy for the site has been designed to negate against flood risk associated with surface water run-off. The proposed development incorporates SuDS measures including the provision of permeable surface, filter drains and attenuation basin. Runoff calculations from the site are presented in Appendix D and Storm Network Hydraulic Calculations are set out in Appendix C. The proposed surface water proposals have been deemed acceptable by Cavan County Council. I am satisfied that the proposed surface water proposals are acceptable.

9.8. **Water Quality & Water Framework Directive**

9.8.1. The appeal and third-party submissions on the applicant's Section 132 request raise significant concern in relation to the impact of the of the development on surface water 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

- 9.8.2. 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.

Surface Water

- 9.8.3. Surface water features in the vicinity of the site drain to the ERNE_070 waterbody and represent the immediate receiving environment for site drainage. The river adjacent to the site is known on EPA map datasets as the Bruse River.
- 9.8.4. Under WFD Cycle 3 (2019-2024), the ERNE_070 river waterbody is classified as Poor ecological status. This waterbody is designated as At Risk, with the objective of achieving at least Good ecological status within the current river basin management cycle. Pressures identified include agriculture.

Groundwater Body

- 9.8.5. The site is located within the IE_NW_G_061 groundwater body. Under WFD 2019–2024, the groundwater body is classified as Good status. The waterbody is identified as not being at risk.

WFD Pressures

- 9.8.6. 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 culverting field drains. The report outlines that potential Water Framework Directive relevant pressures arising during construction include mobilisation of suspended

sediments from exposed ground during excavation and earthworks, generation of sediment laden runoff during rainfall events, and accidental release of fuels, oils, wet concrete or other construction materials from plant and activities and physical disturbance to existing field drains during diversion and culverting works. The report outlines that the construction activities will be temporary in nature and confined to the defined site footprint.

- 9.8.7. 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 operational phase of the development are identified as including surface water run-off, limited loss to groundwater and groundwater abstraction.
- 9.8.8. 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 areas with emergency pollution control valves preventing both surface water discharge and infiltration to groundwater as illustrated on Drawing nos. DWG_100, DWG_101, DWG_102 and DWG_103 prepared by McCloy Consulting.
- 9.8.9. The proposed development comprises 2 physically separated BESS compound areas, located approximately 100m apart each arranged in two stepped platforms reflecting site topography. The physical separation of the two BESS compounds means that firefighting would be expected to be focussed on a single compound in the event of an incident.
- 9.8.10. The Flood Risk Assessment and Drainage Strategy outlines that the capacity of the firewater storage area substantially exceeds regulatory best practice requirements and includes a buffer to allow for water provided on-board by fire tender vehicles or the mains water supply. I note that Drawing no. DWG_103 illustrates the provision of 709m³ of storage within the 2 no. subbase storage areas on the southern compound and 561m³ in the northern subbase storage compound. I am satisfied that the

volume of storage provided within both the northern and southern compound significantly exceeds volume of water recommended to be stored on site for firefighting purposes within the NFCC guidance (180,000 litres). 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

- 9.8.11. 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 BESS infrastructure the drainage provides for on-site retention and management of firefighting water through drainage isolation and storage within lined infrastructure.

WFD Conclusion

- 9.8.12. 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 ERNE_070 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.

Grounds of Appeal and Submissions on the Further Information Response

- 9.8.13. The submissions on the applicant's Section 132 response question the effectiveness and robustness of the proposed mitigation measures and their effectiveness in protecting ground and surface water quality. In particular the submissions question the effectiveness of the proposed emergency firewater strategy to treat contaminated firewater. The submissions on the application raise concern in relation to the impact of the development on adjoining designated sites including the Cordonaghy Bog pNHA which is located within the same ground waterbody as the appeal site.

- 9.8.14. In considering the issues raised I refer to the specific measures to prevent runoff/pollution from the site at construction and operational phase of the development to surface waters and groundwaters 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 drainage 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.
- 9.8.15. 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.
- 9.8.16. The Drainage Strategy outlines that the volume of storage significantly exceeds volume of water recommended to be stored on site for firefighting purposes within the NFCC guidance (180,000 litres). 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.
- 9.8.17. The submissions on the applicants FI response furthermore raise concern in relation to impacts associated with abstraction of groundwater for firefighting water supply. Table 6.1 of the applicant's FRA outlines that Groundwater abstraction associated with operation of a private borewell forming part of the development. Abstraction is

undertaken to replenish on-site firefighting water storage following use during an emergency event which is an inherently rare occurrence, with abstraction otherwise limited to replacement of minor passive losses. The abstraction therefore occurs on an event-contingent and noncontinuous basis, representing a limited quantitative interaction with the groundwater body. As detailed earlier in this assessment, I consider that there are information deficiencies within the application in relation to the suitability of the proposed groundwater extraction. I recommend that permission is not granted for this element of the proposal. I have not considered this element of the proposal further.

- 9.8.18. 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 and designated sites. I refer to the submissions on file from Inland Fisheries Ireland which raises no objection to the proposal subject to conditions.

Conclusion

- 9.8.19. 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.
- 9.8.20. The receiving water environment has been identified and assessed. Relevant water bodies within the zone of influence of the proposed development include the ERNE_070 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.
- 9.8.21. 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.

9.8.22. 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.

9.9. Access

9.9.1. The 3rd party appeal and submissions on the applicant's further information response raise concerns in relation to the access to the site and the restrictions of the local rural road network to accommodate HGV and emergency vehicles associated with the development. The appeal and submissions on the applicant's further information response outline that the site is served by a substandard rural road network, characterised by narrow road widths, restricted geometry, and limited structural capacity, which is wholly unsuitable for the level and nature of traffic associated with the proposed development. The appeal and submissions also raise concern in relation to access arrangements within the site and outline that no circular route is provided for fire personnel as required for in the NFCC guidance and access to the site will be locked via a security gate. The appeal furthermore outlines that no traffic control measures are set out within the planning authority's decision.

9.9.2. Access to the site is provided via an existing gated agricultural access and track from the L2512 local road. The L2512 serves the appeal site, existing rural dwellings and adjoining farms and the existing Arva substation. The Planning and Environmental Report submitted in support of the application outlines that this access point was assessed in detail to determine its suitability to provide construction, operation and decommissioning phase access to the proposed development site. It was identified that the access point, in its current condition, is not suitable to accommodate heavy-goods vehicles ('HGVs') while available visibility splays (sightlines) are assessed to be insufficient and do not accord with the requirements set out in the Cavan County

Council Development Plan 2022-2028. The report highlighted that notwithstanding this, the L2512 is not a through-road and terminates at the adjacent Arva 110kV electricity substation and, accordingly, traffic volumes at the proposed site entrance are anticipated to be extremely low.

- 9.9.3. The development includes a proposal to upgrade the existing agricultural access to accommodate construction phase traffic movements as illustrated on Drawing no. ARVBESS 003 Layout entitled Figure 4.3: Site Entrance. The Planning and Environmental Report outlines that the upgrading of the existing access point has been selected; as opposed to the creation of a new dedicated access point; as it avoids the proliferation of access points along the local road and appropriate sightlines of 50m in each direction will be provided to ensure that road and public safety is maintained.
- 9.9.4. The applicant was requested to submit a Road Safety Audit (RSA) and auto track drawings illustrating emergency vehicle access to and circulation within the site within Item 8 of the Commission's request for further information. The Road Safety Audit raises a number of concerns relating to the lack of intervisibility between the proposed site entrance and adjacent Arva substation access, the gradient of the internal access track from the site entrance and the internal access ramp layout. The applicant's FI response cover letter outlines that all recommendations set out within the RSA have been accepted and measures will be implemented.
- 9.9.5. The submissions on the applicant's FI response raise concern in relation to the scope and content of the RSA and its primary focus on the immediate site surrounds. The submissions outline that the local road network which serves the site, existing dwellings and businesses is narrow and restricted in its capacity to accommodate HGV's and emergency vehicles.
- 9.9.6. In terms of Construction Traffic Section 3.9.6 of the Planning and Environmental Report submitted in support of the application outlines that there is no requirement for the movement of abnormal loads during the construction phase of the development; with all construction materials and equipment being delivered by standard HGVs. The report outlines that from the N55, deliveries to the site will travel along the L2515 and L2512 local roads to the upgraded access point to before entering the proposed site. The Planning and Environmental Report submitted in

support of the application outlines that over the course of the projected 24-month construction phase, this equates to a daily average of 2 no. HGV movements and 10 no. additional LGV trips per day. Once operational, there will be no other activities on site other than routine maintenance and monitoring. On average, the project will be attended on 1-2 no. occasions per month by a light commercial vehicle for maintenance purposes.

- 9.9.7. I refer to the requirements of Condition no. 14 of CCC's notification of decision to grant permission for the development which sets out the requirements for the submission of a Construction Management Plan for written agreement of the PA prior to the commencement of development which includes a Traffic Management Plan for written agreement of the Planning Authority for the construction phase of the development prior to the commencement of development. The CEMP submitted in response to the Commission's request for further information outlines that a Construction Traffic Management Plan will be submitted to the PA for agreement prior to the commencement of development. I am satisfied that this would assist in minimising disruption to the local road network during the works and in managing vehicle passing movements.
- 9.9.8. I note the concerns raised within the grounds of appeal 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.
- 9.9.9. 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.

Fire Tender Access

- 9.9.10. 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 multiple access routes to the site and adequate internal circulation routes for emergency vehicles. In this regard the submissions outline that the development is not in compliance with NFCC emergency vehicle access standards.

- 9.9.11. 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.
- 9.9.12. In considering the points raised with the third-party submissions I refer to Item 3 of CCC's request for further information which 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. 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.
- 9.9.13. 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.

9.9.14. The internal access road measures from between 4m to 5m wide allowing suitable access of fire service vehicles throughout the site. The proposed site access gate is set back by 18m from the lane to negate against vehicles queueing on the public road. I consider that sufficient space has been provided for circulation and turning of emergency vehicles within the site as illustrated within Figure 4.4 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.

Hedgerow Removal

9.9.15. The 3rd party appeal raises concerns in relation to the proposal to remove existing roadside hedging to facilitate sightlines at the proposed site entrance. The provision of appropriate sightlines, will require the removal of c. 25m of roadside vegetation (hedgerow). The extent of the proposed hedgerow removal in the vicinity of the proposed entrance is illustrated on Drawing no. ARVBESS FI 003 Layout entitled Figure 4.3 Site Entrance. The proposal includes replacement planting of native species. I have no objection to the principle of the proposed hedgerow removal and recommend that this would occur outside of breeding bird season. I am satisfied that this could be addressed by means of condition in the instance that the Commission is minded to grant permission for the development.

9.10. Visual Impact

9.10.1. The proposed development site is located in rural County Cavan and the local landscape is characterised by agricultural land uses and one-off rural dwellings. The site comprises parts of two agricultural fields, located in the townland of Pottle. The site is generally bound by agricultural grasslands on all perimeters, with the exception of the existing Arva 110kV electricity substation which is located along the southeastern perimeter of the application site.

9.10.2. A landscape character assessment is incorporated within the Cavan County Development Plan 2022-2028 and this divides the region into landscape character types. The appeal site is contained within 'The Lakeland area' Landscape Character Type (LCT). 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. “ There are no scenic viewing points, ‘High Landscape Areas’, ‘Major Lakes’, ‘Lake Environments’ or ‘Areas of special landscape interest’ within the study area.

9.10.3. A Landscape and Visual Assessment (LVIA) and accompanying Photomontages , prepared by Macro Works Ltd., Landscape & Visual Impact Assessment Specialist Services was submitted in conjunction with the planning application. A 2-kilometre study area was adopted in order to understand the site’s wider landscape and visual context. The Landscape and Visual Impact Assessment is accompanied by a Photomontages Booklet which illustrates 8no. viewpoints (VP1 – VP8) within the vicinity of the application site as described within Table 6 of the LVIA and illustrated on Figure 5 “Viewpoint Location Map”.

9.10.4. Section 4 of the LVIA relates to Mitigation and Restoration Measures and details a number of measures to be implemented onsite in order to reduce the visibility of the proposed development. The LVIA outlines that the low-lying rolling landscape, overlaid with an extensive network of hedgerows and other vegetation will aid in minimizing visual impact and any disruption to the rural character. Proposed mitigation measures include the use of the existing site entrance to minimise the need for additional access tracks and undergrounding of cabling, the use of dark green fencing to assimilate the development into the landscape, the bolstering of existing hedgerows surrounding the site, the planting of new hedgerows around the perimeter of the BESS compound, and at the site entrance and the planting of a woodland mix. A Landscaping Mitigation Plan, which illustrates hedgerow planting and native woodland planting on site is illustrated on Drawing no. LD.ARVGHBSS is attached to the LVIA.

9.10.5. Section 5 of the LVIA relates to Landscape Impact Assessment. The LVIA outlines that the site’s location is discrete, and it benefits from a high degree of visual containment, which limits its contribution to perceived landscape character. The landscape is deemed to be of Medium-Low sensitivity due to its location within a robust, working, agricultural landscape in rural Cavan, with a presence of existing energy infrastructure. The magnitude of construction stage landscape effects is deemed to be Medium within the immediate surrounds of the site and to Low and then Negligible in the wider site context. The significance of construction phase impacts is deemed to be moderate to slight in the immediate vicinity reducing to

slight and imperceptible in the wider study area. At operational phase the LVIA outlines that it is considered that the magnitude of landscape impact within the immediate context is Medium-Low and of a Negative quality and a significance of Slight/Negative.

9.10.6. The Visual Impact Assessment is set out in Section 6 of the LVIA. The LVIA outlines that given the degree of visibility, construction stage visual impacts will be no greater than Medium and localised to the immediate landscape of the site and will be 'short-term' in duration. The overall significance of construction is deemed to be no greater than Slight/Negative. The LVIA refers to the Photomontages submitted in support of the application. For each of the representative viewpoints, an existing (baseline) view is presented, together with a photomontage that illustrates the location of the development within the view. Table 7 includes an overview of Operational Phase Visual Effects. This outlines that for 3 of the views post mitigation significance is deemed to be Slight-Imperceptible/Permanent/Negative (VP 2,5 and 8) with the remaining viewpoints experiencing an Imperceptible/Permanent/Negative impacts. The LVIA outlines that in landscape impact terms, the proposed BESS development will slightly increase the intensity of energy infrastructure within the surrounding landscape context, but will not have a material bearing on the prevailing agricultural landscape character of this area in its own right or in combination with the existing Arva 110kV substation.

9.10.7. Section 8 Conclusion, of the report found that *"Given the site's discrete location set back by at least one field from the nearest visual receptors, it is substantially screened from the public realm. The post-mitigation significance of effect for all viewpoints is deemed Slight-imperceptible or less, which highlights the robust nature of this landscape context and the highly screened nature of the site, which will be further screened by the comprehensive landscape mitigation strategy. Overall, it is not considered that there will be any significant landscape, visual or cumulative impacts as a result of the proposed development."*

9.10.8. The third-party appeal raises concern in relation to the visual impact of the proposed development. The submission on the applicant's Section 132 response outline that the proposed pylons would obstruct Protected Views of the Bruce Mountain Walk Way and that the proposed industrial scale infrastructure is at odds with the rural

character of the area, potentially affecting tourism and the enjoyment of designated scenic routes.

9.10.9. 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. The submissions raise concern in relation to the visual impact of the proposal from Bruse Hill Proposed Natural Heritage Area (p NHA) and outline that the proposed pylons would obstruct protected views. Bruse Hill pNHA is located c.2.25km to the north of the site. At the outset in considering the issues raised, I note that no pylons are proposed as part of the development. The pylons illustrated within the application drawings are those currently present on site as illustrated within the photomontages submitted in conjunction with the application. The applicant was requested to provide revised drawings illustrating the location of the existing pylons on site within the Commission's request for further information.

9.10.10. The submissions raise concern in relation to the visual impact of the development on the rural character of the area. I refer to the photomontages submitted in conjunction with the application which illustrate views of the proposal from the surrounding area. In this regard I note that existing development within the vicinity includes the existing Arva substation. I accept the case made within the LVIA that the siting of the proposed BESS development beside an existing substation will likely be viewed as an extension to an existing land use as opposed to the introduction of a new and unfamiliar one. I also note that the proposed structures associated with the BESS development are relatively low level (2.4m water tank, Inverter & Transformer structures being 2.2m in height; the and the BESS structures being 2.896m in height, Power Control Units 4.3m in height, 2.6m perimeter fence and 3.5m CCTV cameras). I am satisfied that the development will not injure the rural or visual amenity of the area.

9.10.11. Having regard to the distance of the site from the Bruse Hill p NHA, designated scenic routes, the public road, nearest residential dwellings, the proximity of the Arva substation to the south, the existence of mature hedgerow along the boundaries and considering that the proposed structures are considered relatively low-level, I am satisfied that the siting of the development as proposed is unlikely to have a major visual impact on the surrounding area.

9.11. Impact on Residential Amenity

- 9.11.1. The submissions 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. The submissions outline that the application should demonstrate adherence to noise and lighting standards at nearest sensitive receptors supported by baseline monitoring and independent assessment. I have addressed the third-party health and safety and fire risk concerns raised in Section 9.5 of this report.
- 9.11.2. Section 5.1 of the Planning and Environmental report submitted in support of the application outlines that the proposed development will be located entirely within the confines of private lands, with no direct interactions with local residents. The likelihood of impacts on population and human health resulting from the proposed development are confined largely to the construction stage; most notably in relation to potential impacts in terms of construction noise, traffic and dust; and are assessed to be indirect, likely, imperceptible, and short-term.
- 9.11.3. The Planning and Environmental Report outlines that the proposed development is not assessed as likely to result in any adverse effects on population or human health during the operational phase. Appropriate mitigation measures have been incorporated into the project design; including the strategic siting of the proposed BESS within the overall landholding to maximise the separation distance to residential dwellings; which will serve to minimise the effects on residential amenity, visual impacts, noise, and electromagnetic emissions. It is, therefore, assessed that the operational phase of the proposed development will result in no likely significant adverse effects on population or human health.
- 9.11.4. 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.70 and c. 170m to the west.

Visual Amenity

- 9.11.5. 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 and low level height 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

9.11.6. The submissions 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 cowed towards the site to negate against light spillage.

9.11.7. 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 6 (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

9.11.8. 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).

9.11.9. 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 modelling and noise survey location.

9.11.10. For the purposes of clarity, I have had regard to the information set out within the updated Noise Impact Assessment (NIA) 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, to the southwest of the site. The submissions on the applicants Section 132 response refer to uncertainty in relation to the baseline monitoring location. I note that the Noise Survey cites ITM Co-ordinates of 632987

795508 for the noise monitoring. However, these co-ordinates don't relate to an area within the vicinity of the site.

- 9.11.11. The noise report outlines that the site falls within the category of "Low Background Noise" as defined within the EPA guidance document NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities). The following noise limits are deemed applicable:
- Daytime Noise Criterion, dB LAr,T - (07:00 to 19:00hrs) 45 dBA
 - Night-time Noise Criterion, dB LAeq,T - (23:00 to 07:00hrs) 35 dBA
- 9.11.12. 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. Table 4.2 sets out the sound power levels of nighttime operations.
- 9.11.13. Section 5.0 of the report identifies an existing 10 no. noise sensitive receptors in the vicinity of the site labelled NSR 1 to NSR 10 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 70m to 500m.
- 9.11.14. The NIA 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 52dB (NSR 9) and 61dB (NSR 4). 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.
- 9.11.15. Table 7.2 of the report outlines that daytime noise levels associated with the operational phase of the proposed BESS facility will range from 27.8 dB (NSR 9) to 36.5 dB (NSR 4) at nearest noise sensitive receptors. Nighttime noise levels range from 18.6dB (NSR 9) to 27.3 dB (NSR 4).
- 9.11.16. 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.

9.11.17. Cumulative Impacts is addressed within Section 8 of the NIA. Table 8.3 outlines that Potential Cumulative noise levels associated with the BESS facility, the extant substation at Arva and the future substation adjacent to the BESS facility remain within daytime and nighttime noise limits at all Noise Sensitive Receptors.

9.11.18. The NIA 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.

Submissions on Section 132 Response

9.11.19. The submissions on the applicant's Section 132 response raise concern in relation to the scope and content of the Noise Impact Assessment. The submissions question the location of the baseline noise survey and question the noise impacts of the development on nearest residential dwellings.

9.11.20. On review of the updated NIA, while I note that the location of the baseline monitoring is unclear, I am satisfied that the report acknowledges the rural location of the site. The NIA applies a penalty of 3dB to operational noise levels. I am also satisfied that the updated NIA addresses cumulative noise impacts associated with the existing Arva station and future substation on site.

9.11.21. 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. 14 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

9.11.22. 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.

9.12. Impact on Ecology/ Wildlife

- 9.12.1. The third-party appeal raises concern in relation to the impact of the proposal on wildlife and ecology within the area and refers to insufficient information within the application in this regard. The applicant was requested to submit an Ecological Impact Statement within Item 8 of the Commission's request for further information. An Ecological Impact Assessment (EclA) dated February 2026 was submitted in response to the Commissions requested for further information.
- 9.12.2. The EclA outlines that a site visit was undertaken on 17/11/2025. The habitat survey outlines that the site comprises of four agricultural field units, characterised by its wet (agricultural) grassland (GS4), which are considered to be of site value to nature conservation. This type of agricultural grassland is widespread in the locality and is of low conservation interest, supporting a low-diversity flora, generally of common and widespread species. Hedgerows (WL1) are considered to be of local value, principally because of their potential to provide nest sites for birds in a dominantly agricultural landscape.
- 9.12.3. The EclA outlines that some improved grassland will be permanently lost as a result of excavation for permanent site infrastructure, including the foundations and access roads. The site will no longer be suitable for agricultural use, which will be lost to the site for the duration of the operation of the BESS. Habitat loss will be restricted to Improved Grassland and Defunct 'gappy' hedgerows. Due to their generally low conservation interest, no significant effects at a site level on grassland or hedgerow habitats are expected from the construction of the development. There will be limited loss of hedgerow to accommodate internal construction and access routes, however there will be no significant effect at the local level on these features.

Badger

- 9.12.4. The EclA identifies the presence of a badger set on the site as illustrated within Figure 2. The EclA outlines that, a camera trapping exercise (undertaken for 6 weeks between mid-December and the end of January 2026) did not record the sett being used (only single badgers passing by on 4 occasions); therefore, while the

species may be present at times, the apparent limited activity by this species, suggests any construction activities are likely to have no significant effect on badgers.

Bats

- 9.12.5. The EclA outlines that the use of the site by bat species is unknown and it is possible that the margins of the site are used as commuting flightlines and possibly as foraging areas. The proposed development site is not assessed to be of any particular significance for bats. The EclA outlines that the construction will likely have no significant impact on bats.
- 9.12.6. Mature trees immediately outside the site and along the southern/SW site boundary have a low potential to function as bat roosts. Woodland edge may provide foraging habitat for bats and hedgerows, and woodland edge may function as flightlines for bats commuting between roosts and foraging areas.

Breeding Birds

- 9.12.7. The EclA outlines that access to grassland will be limited for the species of open habitats, principally meadow pipit and skylark, that may nest in extensive grassland. However, these species are unlikely to use the heavily grazed grassland that currently occupies the site. Boundary hedgerow will be bolstered and retained, while new woodland edge habitats will be created and it is likely that breeding bird species that use these habitats will persist during the operational phase. Having regard to the site characteristics, the EclA outlines that no breeding bird surveys were deemed necessary. The EclA outlines that there will be no significant residual effect on the local breeding bird population.

Impact on Designated Site

- 9.12.8. The EclA outlines that the Lough Oughter and Associated Loughs Special Area of Conservation (SAC) and Lough Oughter SPA's are located c.7.2km north of the proposed site. Potential impacts on these sites are addressed within the Natura Impact Statement submitted in support of the application.
- 9.12.9. The EclA identifies that there are no Natural Heritage Areas ('NHA') located within 5km of the proposed development site. The Cordonaghy Bog proposed Natural Heritage Area ('pNHA') is located c. 1.5km to the southwest of the proposed

development site; while the Lough Gowna pNHA and Bruse Hill pNHA are each located within 5km. The EclA outlines that there is no evidence of ecological connectivity between the respective sites. Given the absence of significant or complex habitat types within the site, it is assessed, therefore, that only common passerine species found throughout Ireland are likely to be found at the proposed development site

- 9.12.10. The minor loss of hedgerows (230m), to accommodate the proposed site entrance and BESS compound footprint; will be more than off-set by the planting of c. 360m of new hedgerows while c. 705m of existing boundary hedgerows will be bolstered.
- 9.12.11. In terms of birds, there will be an increase in machinery noise for a temporary period. This increase in noise has the potential to disturb birds using the hedgerow habitats for forging and/or breeding. This will be temporary in nature and will not result in any significant disturbance to bird species present. While short sections of hedgerow will be removed during the construction phase, these will be replaced with additional hedgerow also being planted. This will ensure that there is no net loss of hedgerow or connectivity for bats within the proposed development site.
- 9.12.12. The EclA outlines that as there are no watercourses located within the proposed development site, with local surface features comprising agricultural drains, it is concluded that aquatic species will not be significantly affected.
- 9.12.13. The EclA identifies mitigation measures which will be implemented in respect of the proposed development. Such measures include monitoring of construction phase by an ecologist, implementation of a Construction Environmental Management Plan (CEMP) further badger surveys and liaison with the NPWS in relation to the removal of the badger sett prior to the commencement of construction related activities. The EclA also refers to measures to avoid pollution of watercourses and proposed landscaping.
- 9.12.14. The third-party submissions on the applicants FI response raise concern in relation to habitat disruption, impacts on nearby pNHA sites, risk to bird species and impact on protected species. The submissions raise concern in relation to the scope and content of the EclA in relation to lack of robust surveys, lack of assessment on lighting and water contamination impacts.

- 9.12.15. In considering the concerns raised in relation to habitat disruption, I note that the predominant habit on site is improved grassland which is widespread throughout the area and of low conservation interest. Hedgerows will be removed to facilitate sightlines at the site entrance, but replacement planting will be provided. The submissions raise concerns in relation to the impact of the proposal on the Cordonaghy Bog pNHA habitat. However, the appeal site is located 1.5km from the pNHA and no bog habitat is present on site. I have considered potential water quality impacts in Section 9.8 of this assessment. 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.
- 9.12.16. In terms of impact on bird species and protected species, I note that no protected bird species were recorded on site. Having regard to the existing habitats on site the EclA concludes that it is likely that there will be no significant residual effect on the local breeding bird population.
- 9.12.17. In relation to lighting impacts, as detailed earlier in this assessment, 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 6 (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.
- 9.12.18. 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 EclA. 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.

9.12.19. 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 EclA and CEMP.

9.13. **Appropriate Assessment**

Grounds of Appeal / Submissions

9.13.1. The appeal and third-party submissions on the applicants Section 132 response raise a number of concerns in relation to Appropriate Assessment. The key concerns raised relate to water quality impacts, lack of worst case scenario fire assessment, lack of Otter and bird survey data, impact on protected species, inadequate consideration of SPA species and lack of assessment of cumulative impact with other plans and projects and lack of site specific mitigation measures. I refer the Commission to Appendices 4 (Screening for Appropriate Assessment) and 5 (Stage 2 Appropriate Assessment) which addresses the issues raised within the appeal and third-party submissions.

Appropriate Assessment Screening

9.13.2. 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

9.13.3. 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.

9.13.4. 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.

9.13.5. 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).

9.14. **Other Issues**

Public Consultation

9.14.1. The appeal raises 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, and 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

9.14.2. The appeal questions 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. 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.

- 9.14.3. In terms of procedural matters 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 within the appeal and submissions on the applicant's Section 132 response did not prevent the concerned party from making representations.

COMAH Regulations

- 9.14.4. The 3rd party appeal sets 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.
- 9.14.5. The application documentation and the applicant's response to the grounds of appeal outlines 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.
- 9.14.6. In reviewing the grounds of appeal, I note that large scale Lithium-ion 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

- 9.14.7. 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.
- 9.14.8. 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. 3 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.
- 9.14.9. 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. 4 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).

Concurrent Application

- 9.14.10. The submission from Liam Madden refers to the Commission's request for further information under a concurrent appeal Ref: ACP Ref: PL - 500085-LD and outlines that the FI relates to the submission of a Natura Impact Statement which relates to the proposed Battery Storage Compound.
- 9.14.11. I have reviewed the planning history for the area. The development proposed under ACP Ref: PL-50085-LD relates to a solar farm and energy storage compound development in Ballymahon, Co. Longford. A concurrent application for this development was lodged under ACP Ref: PL-501476-LD-26 for lands in Lismacmorrough Td, Co. Longford. The site is not located within the vicinity of these developments. In the instance of the subject appeal, I note that the applicant submitted a Natura Impact Statement in response to the Commission's request for further information. I have considered the NIS on its merits.

Waste

9.14.12. The submissions on the applicant's Section 132 response raise concern in relation to adherence to the EU Waste Directive. In the instance that the Commission is minded to grant permission for the development I recommend the inclusion of a condition stipulating that (a) only first generation (new) batteries shall be used in the development and (b) 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.

9.14.13. I furthermore recommend the inclusion of a condition stipulating that a Resource Waste Management Plan (RWMP) in accordance with the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects shall be prepared and submitted for written agreement of the planning authority prior to commencement of development.

Existing Infrastructure on site

9.14.14. The applicant's Section 132 response outlines that there is a local electrical supply line on the southern compound which will need to be redirected at the cost of the developer to accommodate the development. Any such proposal shall be agreed directly with the relevant infrastructure provider.

Archaeology

9.14.15. An Archaeological Impact Assessment (AIA) is submitted in support of the application. A ringfort (RMP CV030-015001) is located in Dingins townland, approximately 400m south west of the proposed development site at its nearest point (Figure 3). A souterrain (RMP CV030-015002) is recorded inside the above-mentioned ringfort (Figure 3). The appeal site is outside of the zone of notification of this RMP.

9.14.16. The report outlines that previous archaeological fieldwork at the Arva to Shankill ESB line, which extended across 17 townlands, including Pottle, failed to reveal any archaeological features or artefacts (Licence no. 11E0249). The AIA outlines that there is no evidence of any archaeological features within the application site on aerial photography or historic mapping.

9.14.17. The AIA concludes that the proposed development will have no significant effect upon features of archaeological interest. The report recommends archaeological

monitoring of excavation works given the presence of two Recorded Monuments within the 1km study area and the size of the proposed development site.

9.14.18. I refer to the submission on file from the Department of Housing Local Government and Heritage (12/12/2023) which raises no objection to the proposed development subject to the inclusion of a condition in relation to archaeological monitoring. I refer to Condition no. 12 of CCC's notification of decision to grant permission for the development which relates to archaeological monitoring at the site. I am satisfied that this can be addressed by means of 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 also 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, would be consistent with the provisions of the Climate Action Plans 2024 and 2025, would be acceptable in terms of traffic safety, would be acceptable in terms of protection of groundwater and surface water, would not give risk to fire safety, serious pollution, or be prejudicial to public health, water quality or biodiversity and would 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 28th day of February 2024 and by An Coimisiún Pleanála on the 6th day of February 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. Prior to the commencement of development, the developer shall provide written confirmation of the proposed water source for the firewater storage tanks for

written agreement with Cavan County Council and with input from the Chief Fire Officer. Water for firefighting purposes shall be stored and maintained on site in accordance with the details set out within the application documentation and in accordance with the requirements of the Chief Fire Officer.

Reason: In the interest of public safety and biodiversity.

5. This permission shall not be construed as permitting the extraction of groundwater as detailed within the Flood Risk Assessment and Drainage Strategy received by the Commission on 06/02/2026. Any proposal for the abstraction of groundwater shall be subject to a separate planning process.

Reason: In the interest of clarity.

6. 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.

7. 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.

8. (a) 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.
(b) 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.

9. (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.

10. Any proposed relocation of existing infrastructure on site to facilitate the development shall be agreed in writing with the relevant service provider prior to the commencement of development. All works shall be undertaken at the cost of the developer.

Reason: In the interest of clarity.

11. 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.

12. 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.

13. (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.

14. 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.

15. (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.

16. (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.

17. 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.

18. 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.

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 0700 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 (including works to culvert and divert existing drainage ditches), shall be carried out in compliance with the standards of Inland Fisheries Ireland. Final details shall be submitted for written agreement of the planning authority.

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

23. 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.

24. 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 Coimisiún 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

11th of September 2026

Appendix 1: Consideration of Local Authority Conditions

Condition	Summary of Condition	Included / Excluded in Schedule of Conditions (Section 12.0 above)
1.	Plans and Particulars	Included.
2.	Financial Contribution	Included.
3.	Permission Duration	Included.
4.	Operational Lifetime and Decommissioning	Included, but wording amended to require a Decommissioning and Site Restoration Plan.
5.	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.
6.	Lighting, CCTV cameras, fencing and cables.	Included.
7.	Landscaping requirements	Included. Reworded to overall landscaping condition.
8, 9 and 10.	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.
11.	Restoration Requirements & Plan	Included. Amalgamated with condition re decommissioning.
12.	Archaeological Monitoring during construction	Included.

13.	Public Road kept clear of debris	Not included. Addressed as part of the CEMP and in compliance with Traffic Management Plan.
14.	Construction Management Plan	Included.
15.	Hours of site development works	Included. Minor amendments to construction hours in accordance with ACP standard conditions.
16.	Implementation of mitigation measures and associated infrastructure referenced in application documentation.	Included.
17.	Monitoring Programme for surface waters discharging from the site.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
18.	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.
19.	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.
20.	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.
21.	Water quality and environmental protection measures.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
22.	No hydrocarbons shall enter surface waters.	Not specifically included. Addressed within CEMP. Condition attached

		regarding adherence to mitigation measures within CEMP.
23.	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.
24.	During construction and operational phases, uncontaminated surface run-off shall be collected and managed in accordance with surface water drainage system set out within application documentation.	Not specifically included. Addressed within CEMP. Condition attached regarding adherence to mitigation measures within CEMP.
25.	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.
26.	Works on site including drainage works, must be carried out in consultation and agreement within Inland Fisheries Ireland.	Included and reworded.

Appendix 2: Form 1 EIA Pre-Screening

Case Reference	319637-24
Proposed Development Summary	The proposed development is for the construction of a Battery Energy Storage System (BESS) compound and associated infrastructure.
Development Address	Pottle, Ballinagh, 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.	<u>Class 1 (a) of Part 2 of Schedule 5</u> “Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares.” The proposed development provides for the removal of c. 230m of hedgerow. The removal of hedgerow does not exceed 4 kilometres (km).

	The proposed development site extends to a total area of 2.26 hectares (ha) located within an overall landholding of 14.58 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 2.05ha 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)).
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	319637-24	
Development Summary		
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes.	The planner's report outlines that the proposed development does not fall within any of the Classes set out in Parts 1 and 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and outlines that the submission of an EIAR would not be warranted in this instance.
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 the EPA commented on the need for an EIAR?	No.	
5. Have any other relevant assessments of the effects on the environment which have a	Yes.	EIA Screening Report which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU).

significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.		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 agricultural lands 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 generally bound by agricultural grasslands on all perimeters, with the exception of the existing Arva 110kV electricity substation which is located along the southeastern perimeter of the application site. Existing electrical cables traverse the site. 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	No.

		area the project given the proximity to the existing Arva substation and presence of overhead lines the proposed development 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.	<u>Construction Phase:</u> 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.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No.	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of 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.	No.

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 of hedgerow on the site will not result in significant emission to air.	No.
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.

		Any potential risks associated within the overall BESS development are addressed within the Fire Risk Management Plan and Emergency Response Plan submitted in support of the application.	
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 appeal outlines that the operation of the BESS is dependent on the construction of a substation and grid connection to the existing Arva 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. A grid connection or substation would not constitute classes for the purposes of EIA. 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	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:	No.

• Designated Nature Reserve • 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		• Cordonaghy Bog p NHA (Site Code 000978) – 1.2km southwest. • Lough Gowna p NHA (Site Code 000992) – 1.7km south. • Bruse Hill p NHA (Site Code 000002) – 2.3km northwest. • Lough Oughter and Associated Lough Proposed Natural Heritage Area (Site Code 000007) – 7.2 km northeast. • Lough Oughter and Associated Loughs SAC (000007) – 7.2 km northeast. • Lough Oughter Complex SPA (004049) – 7.2 km northeast. 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 the designated Natura 2000 sites, 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	
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		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.	The EclA identified that existing habitats on site comprise agricultural grassland of low conservation interest and hedgerows of local value. While the development includes the removal of hedgerows at the site entrance, replacement planting will be provided. Ecological surveys have not identified any significant breeding, nesting, or foraging grounds within or immediately adjacent to the area. Site surveys identified the presence of a badger sett on site but no use of the sett was recorded during surveys. Further pre-construction surveys are recommended and mitigation measures are identified. No evidence of bats or otters were identified on site.	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 the immediate vicinity.	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 removal of hedgerow and recontouring of the site would not result in significant impacts on the existing woodland in the vicinity of the site. Existing drainage ditches traverse the site. The CEMP and NIS submitted in support of the application includes measures to negate against pollution of watercourses 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.	Existing drainage ditches traverse the site. The removal of hedgerow within the site would not result in significant impacts on water resources, 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 problems, which could be affected by the project?	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.
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 the overall proposed BESS development and future grid line and substation would have similar impacts to the proposed development. These are not classes for the purposes of EIA. Having regard to the	No.

		characteristics of the development, including hedgerow removal and recontouring, cumulative effects are not envisaged to arise.	
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			
<i>EIAR <u>not</u> Required</i>			
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. Environmental Impact Assessment Screening Report, Appropriate Assessment Screening Report and NIS, Flood Risk Assessment, Fire Risk Management Plan, Emergency Response Plan, Construction and Environmental Management Plan, Noise Impact 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 – APPROPRIATE ASSESSMENT SCREENING

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	<u>Appeal Site</u> A description of the site is provided in Section 1 of this report and throughout the assessments above. The appeal site, with a stated area of 4.98ha, comprises parts of 2no. agricultural fields, located in the rural town land of Pottle, c.12km to the southwest of Cavan town. <u>Proposed Development</u> The proposed development is described in Section 2 of this report. In brief the development includes a battery energy storage facility comprising (i) energy storage containers installed on concrete plinths; (ii) power conversion systems; (iii) power control centre units; (iv) underground electrical and communications cabling; (v) the upgrade of an existing agricultural access point from the L2512; (vi) on-site access track; (vii) security fencing and security gates; (viii) pole-mounted security cameras; and (ix) all associated and ancillary site development, landscaping and reinstatement works. The development includes proposals to culvert 2 no. existing drainage ditches.
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 February 2026). Cavan County Council screened out the need for AA. A Natura Impact Statement was submitted in response to a request for further information issued by the Commission in respect of the proposal.

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	<u>Submissions</u> The submissions on file from Inland Fisheries Ireland (11/12/2023 and 24/04/2026) raise no objection to the development subject to compliance with detailed conditions in relation to construction and monitoring practices. The submission outlines that watercourses (including streams and ditches) that occur within this property should be protected in terms of water quality, topography and habitat. It is furthermore stated that measures should be put in place to minimise damage to native trees during construction and adherence to guidance set out within the IFI publication "Protection of Fisheries Habitat during Construction and Development Works". <u>Planning Authority Screening</u> The planning authority undertook an appropriate assessment (AA) of the project, screening out the need for AA. Cavan County Council's Planner's Report dated 10/02/2024 concludes the following: <i>Having regard to the nature and scale of the proposed development, to the intervening lands uses and distance from European Sites, to the lack of direct connections with regard to the Source-Pathway-Receptor model, and having examined the contents of the Appropriate Assessment (Screening) report, prepared by Blackstaff Ecological Ecology and Environmental Management Services, it is concluded that the proposed development, individually or in- combination with other plans or projects, would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the said sites' conservation objectives. An appropriate assessment is not, therefore, required.</i> <u>PA Conditions</u> Condition no. 17 of CCC's notification of decision to grant permission for the development relates to the requirement for the applicant to submit a Monitoring Programme relating to surface waters discharged from the site as well as specific receiving waters. Condition no. 18 relates to daily inspection during construction phase to check for uncontrolled water loss or contaminated discharges to groundwater or surface water. Condition no. 21 specifies water quality and environmental protection measures which should be in place prior to development commencing. Condition no. 26 relates to consultation with Inland Fisheries. <u>Appeal</u> The appeal raises concerns in relation to the potential impact of the proposal on water quality. It is stated 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 and insufficient cumulative impact assessment.

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

The proposed development is not directly connected with or necessary to the management of a European site. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

The development site is not located in or immediately adjacent to a European Site. The nearest Natura 2000 sites to the application site include the following:

- Lough Oughter Complex SPA (Site Code 004049) – c. 7.2 km north
- Lough Oughter and Associated Loughs SAC (Site Code 000007) – c. 7.2 km north
- Lough Sheelin SPA (Site Code 004065) – c. 14 km southeast
- Lough Kinale and Derragh Lough SPA (Site Code 004061)– c. 14.5 km south

In determining the zone of influence for the proposed development, I have had regard to the nature and scale of the project, the distance from the development site to European sites and any potential pathways that may exist from the development site to a European Site, application documentation and submissions, and my visit to the area. The applicant's Screening Report outlines that the proposed BESS lies approximately 7.2km to the southeast of the Lough Oughter SAC/SPA, but is 560m to the northwest of the River Erne, which flows into the lough system, and 360m to the east of a minor tributary of the Erne. There is therefore a potential for effects, arising from the development, to have an impact on the designation features and/or conservation objectives of these Natura 2000 sites (c.14.6 km upstream).

The applicant's AA Screening Report outlines that the proposed development is approximately 14.0km to northwest of the Lough Sheelin SPA and 14.5km to the north of Lough Kinale and Derragh Lough SPA. The designation features for both of these sites are wintering populations of waterbird species that are characteristic of open water, together with the wetland habitats that support them. Both of the sites are within the River Inny drainage system and there is no likely hydrological or ecological connection with the proposed development site. Lough Sheelin SPA and Lough Kinale and Derragh Lough SPA are therefore not considered further in this assessment.

I do not consider that any other European Sites other than Lough Oughter Complex SPA and Lough Oughter and Associated Lough SAC potentially fall within the zone of influence of the project, having regard to the nature and scale of the development, the recordings during ecological surveys and the available information, the distance from the development site to European sites, the lack of an obvious pathway to European sites from the development site, local drainage patterns and catchments, and separation distances.

The applicant's screening report identifies the potential Source-Pathway-Receptor links to European sites from the application site, having regard to the direct hydrological pathway from the development site to the Lough Oughter SAC/SPA. All other Natura 2000 sites within the area are discounted from further assessment. Given the separation distance from those sites and the lack of ecological or hydrological connection, I am satisfied with this conclusion. 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 Loughs SAC (Site Code 000007)	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150] 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.	7.2 km, 14.6 km downstream.	Indirect Hydrological connection via hydrological connection via the River Erne.	Yes
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	7.2 km, 14.6 km downstream.	Indirect Hydrological connection via hydrological connection via the River Erne.	Yes

	their favourable conservation conditions A005, A050 and A999. The Conservation Objective for A038 is to restore the favourable conservation condition.			
<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. <u>Lough Oughter Complex SPA</u> 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 7.2 km from the boundary of the SAC and SPA, at a downstream distance of c. 14.6 km 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 and is 560m to the northwest of the River Erne, which flows into the lough system, and 360m to the east of a minor tributary of the Erne. There is therefore a potential for effects, arising from the development, to have an impact on the designation features and/or conservation objectives of these Natura 2000 sites (c.14.6 km upstream). Culverts of 2 no. existing drainage ditches on site are proposed as part of the development. There is, therefore, a potential for any pollutants that enter the surface watercourses 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 stormwater derived from surface water runoff in the proposed development area will be discharged into the local surface water and groundwater systems; therefore, providing a potential pathway for effects on aquatic features. 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 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.	<u>Natural eutrophic lakes</u> (Potentially Significant) Silts and site-derived pollutants have the potential to have toxic and subtoxic effects on aquatic plants species. Potential for toxic emissions to watercourses in the event of a fire at the BESS (i.e., fire water contamination). <u>Bog Woodland</u>: (Not significant) The proposed development is remote from the SAC, 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 14.6km stretch of the Erne and the SAC. Any pollutants arising from the scheme that reach this SAC feature will be at unmeasurable concentrations. <u>Lutra lutra (Otter)</u>: (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 (surface and groundwater) in the event of a fire at the BESS (i.e., fire water contamination).

	Impact of in channel works associated with culverting drainage ditches. 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 surface water in the event of a fire at the BESS. Impact of proposed lighting. Airborne Impacts	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 impact associated with culverting existing surface water channels. 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. Release of construction related compounds including hydrocarbons to surface water and groundwater. Impact of in channel works associated with culverting drainage ditches Increased human disturbance at this site, particularly during	Great Crested Grebe Podiceps cristatus [A005]; Whooper Swan Cygnus cygnus [A038]; Wigeon Mareca penelope [A050] 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.
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	the construction/ installation 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. Airborne impacts	
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 4 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 following:

"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.

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 7 of the FI request related to the submission of a revised Appropriate Assessment Screening Report which includes a detailed description of all elements of the proposed development (including the proposal to culvert and divert existing watercourses 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). Further assessment is required in terms of examining potential for significant effects by means of ground or surface water contamination and potential fire-water contamination and associated mitigation measures.

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:

- The submissions question the effectiveness of the mitigation measures set out within the NIS and outline that the proposed measures are generic and standard construction compliance.
- The submissions refer to contradictory statements within the AA Screening and Natura Impact Statement Conclusions.
- The submissions outline that 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 submissions outline that the NIS is inadequate and the development is deemed legally non-compliant with the Habitats Directive requirements.
- The NIS fails to assess worst case fire scenarios.
- Inadequate assessment of hydrological connectivity to the Erne system.
- The NIS does not include site specific Otter surveys. Inadequate consideration of SPA species and supporting habitat.
- Lack of assessment of the close proximity of Pottle Bog.
- The conclusion of no adverse effects is not supported by sufficiently robust or site-specific evidence.

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.

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: 7.2 km / 14.5 km downstream	
<i>Qualifying Interests/Species of Conservation Interest</i>	Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation.
<i>Conservation Objective</i>	To restore the favourable conservation condition of Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Oughter and Associated Loughs SAC;
<i>Potential Adverse Effects</i>	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 hydrologically connected to 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.
<i>Mitigation Measures</i>	See Paragraphs 51-78 of the NIS which relates to mitigation measures to negate against water quality impacts.
<i>Qualifying Interests/Species of Conservation Interest</i>	Bog woodland.
<i>Conservation Objective</i>	To maintain the favourable conservation condition of Bog woodland* in Lough Oughter and Associated Loughs SAC.
<i>Potential Adverse Effects</i>	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 14.5 km hydrological distance between the appeal site 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.
<i>Mitigation Measures</i>	No protective measures required.
<i>Qualifying Interests/Species of Conservation Interest</i>	Lutra lutra (Otter)
<i>Conservation Objective</i>	To maintain the favourable conservation condition of Otter (Lutra lutra) in Lough Oughter and Associated Loughs SAC;
<i>Potential Adverse Effects</i>	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 pre -construction 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 surface water features(drainage ditches), whereby individuals using these watercourses for foraging and commuting may avoid using the area during construction. Mitigation measures are also proposed for in channel 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. 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
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	Management Plan (CEMP). Having regard to the foregoing I am satisfied that no adverse effects on other species will arise as a consequence of the development.
<i>Mitigation Measures</i>	See Paragraphs 51 to 78 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.
<i>Overall Conclusion – Integrity Test</i>	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: 7.2 km / 14.5 km downstream	
<i>Qualifying Interests/Species of Conservation Interest</i>	Great Crested Grebe (<i>Podiceps cristatus</i>). Whooper Swan (<i>Cygnus cygnus</i>). Wigeon (<i>Anas penelope</i>).
<i>Conservation Objective</i>	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.

<i>Potential Adverse Effects</i>	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.
<i>Mitigation Measures</i>	See Paragraphs 51 to 78 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.
<i>Qualifying Interests/Species of Conservation Interest</i>	Wetland and Waterbirds.
<i>Conservation Objective</i>	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.
<i>Potential Adverse Effects</i>	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.
<i>Mitigation Measures</i>	See Paragraphs 51 to 78 of the NIS which relates to mitigation measures to negate against water quality impacts.
<i>Overall Conclusion – Integrity Test</i>	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.
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Mitigation

Paragraphs 51 to 78 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 lined area of the northern BESS platform gravel subbases are 231 cu. m (in 770cu. m with 30% voids) in the upper section of the platform and 252 cu. m (in 840cu.m with 30% voids) in the lower section of the platform. The volume of storage available within the lined area of the southern BESS platform gravel subbase are 286 cu. m (in 955cu. m with 30% voids) in the upper section of the platform and 279cu.m (in 930cu.m with 30% voids) in the lower section of the platform. These exceed 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 and 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 culvert works, 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 (SedimatTM 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.

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.

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

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".

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 51-78 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.

The submissions refer to contradictory statements within the NIS and AA Screening Conclusions. I am satisfied that this is not the case. The conclusion of the applicant's AA Screening Report refers to the potential for impact in the absence of mitigation

measures. The conclusion's of the NIS are subject to the implementation of mitigation measures.

I note the reference within the 3rd party submissions to the potential impact of the development on Pottle Bog. This habitat does not form part of the Natura 2000 network. I have considered potential impacts within Section 9.12 of this assessment.

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).

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.