



An
Bord
Pleanála

Inspector's Report

ABP-320738-24

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|--------------------------------|---|
| Development | 220kV 'Loop in' Substation, Battery Energy Storage System, overhead lines, and associated works |
| Location | located in the townlands of Mulhussey & Kilclone, County Meath (https://theblackhalls substationsid.ie/) |
| Planning Authority | Meath County Council |
| Applicant(s) | GP Joule Ireland Limited |
| Type of Application | Application for approval under section 182A of the Planning and Development Act, 2000 as amended. |
| Prescribed Bodies | <ol style="list-style-type: none">1. Transport Infrastructure Ireland,2. Kildare County Council |
| Observers | |
| Date of Site Inspection | 5 th of December 2024 |
| Inspector | Adrian Ormsby |

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1.0 Introduction

- 1.1. An application has been made by GP Joule Ireland Limited under the provisions of section 182A of the Planning and Development Act 2000, as amended ('the Act'), for the development of a 220kV 'Loop in' Substation, Battery Energy Storage System, Overhead lines, and associated works in the townlands of Mulhussey & Kilclone, County Meath.
- 1.2. Pre-application consultations were held between the applicant and the Board as required under Section 182E of the Act (ABP Ref. ABP-317901-23) in relation to a 220kV loop in substation to connect to EirGrid transmission network and underground grid connection to a further proposed solar farm known as Blackhall Solar Farm.
- 1.3. On the 01st of February 2024 the Board decided that the proposal is strategic infrastructure development (SID) and falls within the scope of Section 182A of the Act, and therefore any application for approval must be made directly to the Board under Section 182A (1) of the Act.
- 1.4. I am the reporting Inspector for both the solar farm appeal ABP-320755-24 and the subject SID application.

2.0 Site Location and Description

- 2.1. The application site has a stated site area of 25.15 hectares and is located in the townlands of Mulhussey & Kilclone, Co. Meath c. 4.5km northeast of Kilcock and c. 9.3km southwest of Dunshaughlin on a local road c. 1km east of the R125 Regional Road.
- 2.2. The area can be described as rural and agricultural in nature with some one-off rural housing and agricultural style developments in the wider area. The site itself is relatively low lying and accessed via an existing agricultural gate off the local road¹ on the sites southern boundary. A second local road leading to a cul de sac is located along the sites western boundary. The site benefits from existing mature roadside boundary of hedgerows and trees.

¹ L6217 local road

- 2.3. Existing overhead power lines and tower pylon structures are evident traversing the site in a north and south direction.

3.0 Proposed Development

- 3.1. The proposed development comprises-

- A substation and BESS compound of approx. 13,598 sq.m. comprising-
 - EirGrid 220kV GIS compound measuring approximately 40.50m by 99.00m surrounded by a 2.60m high palisade fence and post and rail property boundary fence with an overall area of approximately 3,860sqm.
 - The EirGrid (GIS) building would be 17.00m in overall height and an overall footprint of approximately 906.50 sqm
 - IPP compound measuring approximately 52.10m by 107.40m, with an overall area of 5,594sqm.
 - The IPP building c. 6.92m in overall height and 324.50sqm in overall area,
 - 2 no. lightning masts measuring 17.60m in overall height;
 - palisade fencing measuring 2.60m in overall height;
 - pole-mounted security cameras and
 - other works including surface water soakaway and foul wastewater drainage;
 - BESS compound measuring c. 38.60m by 107.40m, with an area of 4,143.00m consisting of
 - 10 no. battery units measuring at 3.50m height,
 - 1 no. control
 - building measuring at 6.90m height,
 - ancillary equipment

- 2 no. 220kV Overhead Grid Connection (OGC) points from the Substation to existing EirGrid Overhead Transmission Lines
 - Adding approx. 140m in length
 - including 2 no. pylons, max height c.21m and
 - 2 steel gantries (Max Height 20m) located within the cabling compounds (see following point)
 - 1 existing pylon on site is to be decommissioned and removed
- 2no. 220kV cable compounds circa 25.8m by 33.00m, surrounded by a 2.6m high palisade fence, each with a total area of circa 851.40sqm;
- An Underground Grid Connection (UGC) installation approximately 610m in overall length connecting the proposed substation to an existing Maynooth – Gorman overhead line.
- An UGC measuring approximately 545.00m in overall length to connect the proposed substation to the proposed Blackhall Solar Farm (Meath Co. Co. Ref. 23/1144 and ABP-320755-24)
- A diversion measuring approximately 200m in overall length of an existing north-south field drainage channel to join an existing drainage channel in southern portion of the site
- New permanent access tracks and a temporary construction compound for installation of substation and ancillary development;
- Upgrade and widening of existing field access from L6217 to provide vehicular access to the substation
- All associated site works.

3.2. The application is accompanied by the following documentation:

- Planning Drawings prepared by TLI Engineering
- Planning Statement prepared by Entrust Limited
- Archaeology & Cultural Heritage – prepared by Courtney-Deery

- Screening Report for EIA – prepared by Entrust Limited
- Ecology Reports
 - AA Screening
 - Natura Impact Statement (NIS),
 - Ecological Impact Assessment (EclA) including-
 - Bird Survey Report prepared by Eire Ecology
 - Bat Survey Report prepared by Eire Ecology
 - Biodiversity Management Plan (BMP)

all prepared by Moore Environmental Associates Ltd

- Flood Risk Assessment – prepared by IE Consulting Ltd
- Environmental Noise Assessment – prepared by PDA Acoustics Ltd
- Landscape & Visual Impact Assessment – prepared by Ascerta Landscape Architects
- Landscaping Plan – prepared by Cathal O’ Meara Ltd
- Construction and Environmental Management Plan – prepared by IE Consulting Ltd
- Transport Management Plan – prepared by Local Transport Solutions Ltd
- Air Quality Report - prepared by AWN Consulting Ltd
- Assessment of Climate Impacts – prepared by AWN Consulting Ltd
- Population and Human Health – prepared by AWN Consulting Ltd
- Site Specific Soils and Geology Report – prepared by Ciaran Reilly Associates
- Outline Construction Methodology Report – prepared by TLI Group Ltd

4.0 Consultations

4.1. Prescribed Bodies

Details of the application to the Board were circulated to the following prescribed bodies:

- Minister for Housing, Local Government and Heritage.
- Minister for the Environment, Climate and Communications.
- Meath County Council
- Transport Infrastructure Ireland (TII).
- Commission for Regulation of Utilities, Water and Energy.
- An Taisce.
- The Heritage Council.
- Failte Ireland.
- An Chomhairle Ealaíon (The Arts Council).
- Eastern and Midland Assembly
- Inland Fisheries Ireland (IFI).
- EirGrid

4.2. Submissions

4.2.1. Submissions have been received from the following-

4.2.2. Transport Infrastructure Ireland

- TII will rely on ABP to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:
 - where the national network is to form part of construction traffic haul routing, a number of operational issues related to the development

proposal are required to be resolved as part of the Construction Traffic Management Plan (CTMP) to address concerns relating to national road network maintenance and road safety.

- The applicant/developer should consult with all PPP Companies, MMarC Contractors and road authorities over which the haul route traverses to ascertain any operational requirements such as delivery timetabling, etc. and to ensure that the strategic function of the national road network is maintained.
- Any proposed works to the national road network, including signage, to facilitate construction traffic shall comply with TII Publications and shall be subject to Road Safety Audit as appropriate. Works should ensure the ongoing safety for all road users and prior to any development necessary licenses, approvals or agreements with PPP Concessions, Motorway Maintenance and Renewal Contracts (MMaRC) Companies and local road authorities, as necessary, shall be in place.
- TII requests referral of all proposals agreed between the road authority, PPP Concessions and MMarC Companies and the applicant impacting on national roads. Mitigation measures identified by the applicant should be included as conditions in any decision to grant permission.
- Any damage caused to the pavement of the existing national road due to the turning movement of abnormal 'length' loads (e.g. tearing of the surface course) shall be rectified in accordance with TII Pavement Standards and details in this regard shall be agreed with the Road Authority prior to the commencement of any development on site.
Please acknowledge receipt of this submission.

4.3. Public Submissions

4.3.1. None received.

4.4. Planning Authority

4.4.1. The planning authority submitted a Planning Report/CE Report dated 23/10/24. The submission is summarised as follows-

- The purpose of the substation is to facilitate a proposed solar farm which would generate 190MW which is the subject of a current appeal to An Bord Pleanála (Pl. Ref. 231144/ ABP-320755-24).
- The proposed development for the storage and distribution of electrical energy will form part of the national electricity network (National Grid) and decommissioning of the substation is not anticipated.
- The site is situated in the Tara Skyrne Hills Landscape Character Area (LCA) which is of exceptional value and high sensitivity.
- Agricultural field drains on the site drain to the Jenkinstown Stream which flows to the Rye Water River providing hydrological connectivity to the Rye Water and River Water Valley/ Carton SAC 001398.
- There are no protected views and prospects in the vicinity of the site in Co. Meath; and it is not located in the Dublin Airport Aircraft Noise Zone(s).
- ABP's attention is drawn to the number of solar farms within the area and SID Applications-
 - the proposed EirGrid East Meath-North Dublin Grid upgrade which is a proposed high-capacity 400kV underground electricity cable proposed between Woodland substation, near Batterstown in Co Meath, to Belcamp substation, near Clonsaugh in north Dublin.
 - A second 400kV line between Kildare and Meath is also proposed in the vicinity of the application site.
 - other solar farms-
 - ABP references 301151, 314058, 301023 and 311831 (all granted)²

² 314058 c. 5km is located north of the site

301151, 301023 and 311831 are all located c. 14 – 15.5 km northeast to east of the site

▪ RA170873³

- The proposal is consistent with national, regional and local policy and will provide greater capacity to Ireland's transition to a low carbon society.
- Section 1.1 of the LVIA considers the proposed 220kV substation and OHL but did not take the effects or mitigation of the solar farm into account.
- Glint and Glare Assessments associated with the solar farms should be considered.
- The Council's archaeologist has reviewed the information and it is recommended Further Information be sought.
- Proposals for water and wastewater during operational phase should be investigated or conditioned.
- In relation to EIA, screening was submitted with a review of Schedule 7 and concludes *"there is no real likelihood of significant effects on the environment arising from the proposed development and as such an EIA is not required in respect of same"*.
- In relation to the EcIA
 - The applicant proposes mitigation for Yellowhammer (incorporating post construction monitoring for 3 years), stating that where yellowhammer is in significant decline additional lands would be rented out and planted with tillage (EcIA, p. 38). ABP are invited to consider whether this proposal can be implemented by way of planning condition (i.e. it is unlikely).
 - ABP is invited to consider the seasonal suitability of the surveys conducted by the applicant. In the event of a grant of permission, it is recommended that the Biodiversity Management Plan is implemented by way of condition. The applicant proposes mitigation for Yellowhammer (incorporating post construction monitoring for 3 years), stating that where yellowhammer is in significant decline additional lands would be rented out and planted with tillage (EcIA, p. 38). ABP

³ C. 1.5km northeast of site

are invited to consider whether this proposal can be implemented by way of planning condition (i.e. it is unlikely).

- It is noted that the EclA document submitted (e.g. p. 21) does not appear to be the final report with conflicting information within.
- A number of conditions are recommended and detailed.

4.4.2. Reports from individual sections of Meath County Council are included as follows-

- Transportation (General)
 - No objection subject to condition
- Public Lighting
 - No objection subject to condition
- Archaeologist
 - a number of recommendations made including seeking FI
- Environment (Flooding & Surface Water)
 - No objections to the proposal in the context of flooding, Conditions required regarding surface water system proposals and design/ work policy compliance.

4.5. **Applicants Response**

4.5.1. The submissions on the file from the PA and TII have been circulated to the applicant. A response was received on the 21st of November 2024 which includes 3 Appendices number 1, 2 and 4⁴. The response can be summarised as follows:

4.5.2. **Response to TII submission**

- no objection has been raised by Meath County Council Roads Department, subject to two recommended planning conditions, relating to the retention of proposed sightlines and submission of a Construction Stage Traffic Management Plan

⁴ There is no Appendix 3

- There is no objection to the implementation of the conditions suggested by TII. Similar observations were made on a similar SID application ABP-318914-24 and the requirements were not conditioned. Responsibility for damage to national roads would be difficult to attribute to single vehicles and such conditions may not be enforceable.

4.5.3. **Response to Meath County Council submission**

- A full response to the 38 recommended conditions is provided in Appendix 1 of the Response. There is no specific objection to any condition.
- Regarding MCC comments in relation to the applicants role as a statutory undertaker the applicants refer to their experience with similar SID and refers to examples provided in Appendix 4 of the response.
- As to whether the infrastructure will form a node on the transmission network, the proposed development description is a loop-in substation, where transmission of electricity in both directions will occur. The development is therefore a node on the transmission network
- Details of decommissioning of the sub-station infrastructure are set out with reference to other Board decisions which do not include decommissioning conditions.
- Regarding landscape and visual amenity
 - the Applicant agrees that the suggested conditions in relation to proposed finishes and mitigation measures contained in the submitted Landscape and Visual Impact Assessment supports proper planning and sustainable development.
 - Cumulative impacts of proposed developments have been considered in the in-combination effects contained in ecological reports submitted and the LVIA. With regard to potential landscape and visual impacts (pg. 15),
 - The mitigating factors of the considerable existing infrastructure development as a reason for the landscape classification has been included in the LVIA.

- The Applicant concurs with the suggested planning conditions limiting the colour type of the substation building.
- In relation to Archaeology
 - sub-surface surveys in the form of geophysical and archaeological testing have already been completed by the consulting archaeologist across the entire lands comprising the proposed solar pv farm, which include the subject site.
 - Identified exclusion zones extend to 5m beyond the identified sites / features and are augmented by an additional buffer of 5m, within which there can be no ground disturbance works. None of the proposed infrastructure associated with the SID is located within the buffer zones.
 - Geo-physical and test-trenching activity have already been undertaken across the solar pv farm application site which includes the subject site. Two sites of potential archaeology were identified within the redline boundary. The exclusion zones and buffers have been applied in both instances. The requirement for more accurate plotting is not required or, if considered to be required, can be secured via a suitably worded planning condition.
 - mitigation has been provided in the archaeological documents and can be subject to conditions. It is not necessary to conflate these with into any other documents, such as the suggested Outline Construction Methodology or CEMP.
 - In relation to Air Quality, Climate, Noise and Waste the applicant accepts the recommended condition to limit air and noise pollution, where such a condition does not overlap with other conditions
- In relation to Ecology-
 - Yellowhammer and proposed mitigation, the relevant EclA text is provided and Figure 7 is referred to.

- The proposed planting regime guarantees a specific crop mixture targeting the habitat of Yellowhammer, which would also benefit other bird species.
- The loss of tillage is recognised in relation to habitat.
- There is no guarantee that the lands would be used for the same purposes or different uses that would impact upon habitat.
- Through the work undertaken and mitigation proposed habitat is guaranteed for Yellowhammer and other bird species identified.
- A misleading annotation in the submitted Landscaping Plan is acknowledged and revised in Appendix 2⁵ Dwg No: 2323_LA001_Rev04 to reflect more accurately the likely extent of hedgerow cutting i.e. - *12m of existing hedgerow to be removed (TBC) to accommodate for the transformer delivery and like for like replacement of hedgerow and trees post-construction. Existing hedgerows composed of Ash, Ivy, Whitethorn, Blackthorn, Guelder rose and Bramble to be trimmed to 1m height and tree removal where necessary before the construction phase to meet the necessary forward clearing of the provided sightlines*
- No category 2 tree for the purpose of the Bat Report are in the vicinity of hedgerow trimming and/or removal.
- The submission questions if the implementation of a Waste Management Plan is necessary. Waste is addressed in the CEMP. The CEMP also provides for Project Manager, Environmental Manager and Ecological Clerk of Works EcoW.
- Specific and effective measures dealing with Invasive Species have already been provided for in the CEMP under the Protection Protocol (pg.18 and 19) and 6.2.10 – Biosecurity Invasive Species Best Practice Measures sections, as well as other measures outlined in the CEMP.

⁵ The submission states Appendix 3 but Appendix 2 provides the landscaping plan. This is a likely typing error.

- Previous decisions on similar applications have not included any financial contribution toward provision of social infrastructure.
- A condition requiring a financial bond to be put in place is to secure the satisfactory completion of the project is requested as opposed to its cessation

5.0 Planning History

5.1. The following planning applications are relevant to the proposed development:

5.2. This and adjoining surrounding site-

- 23/1144 and ABP-320755-24- Current file for Solar Farm and underground grid connection route. MCC grant 13/08/24. **Not yet determined**

5.3. Relevant nearby sites-

- ABP-316372-23- Current File Kildare-Meath Grid Upgrade' - Proposed development of a 400 kV underground cable between Dunstown 400 kV substation and Woodland 400 kV substation- **not yet determined**
- ABP-300746-18- Maighne Wind Farm consisting of up to 47 no. turbines, 1 no. electricity substation and associated works etc. Permission **Refused**

5.4. Pertinent developments permitted/under consideration in wider area

- 22/1508 and ABP-317822-23- Solar PV Farm and ancillary development **not yet determined**
- 21/2214 and ABP-314258- Solar PV energy development and associated site works. **Grant** 14/12/2023

6.0 Policy Context

6.1. EU, National and Regional Legislation/Policy

6.1.1. EU, national and regional policy documents are relevant in respect of the proposed development and include-

- EU Directive 2009/28/EC and Directive 2018/2001/EU (Renewable Energy)
- National Planning Framework, Project Ireland 2040

- Climate Action and Low Carbon Development Act 2015, as amended
- National Mitigation Plan, 2017
- National Adaption Framework, 2018
- Climate Action Plan, 2024
- National Biodiversity Action Plan 2023-2030
- Regional Spatial and Economic Strategy (RSES) for the Eastern & Midland Regional Assembly 2019-2031

6.1.2. The legislation and policy documents essentially promote, and set targets for, transition to a low carbon and climate resilient society and support the development of associated infrastructure, including the development of the electricity transmission system, to support this transition (e.g., to accommodate more diverse flows), subject to environmental safeguards.

6.2. Meath County Development Plan 2021-2027⁶

6.2.1. Volume 1 Section 14 of the CDP sets out Zoning Objectives. The site is Zoned- RA - Rural Area with an objective

“To protect and promote in a balanced way, the development of agriculture, forestry and rural-related enterprise, biodiversity, the rural landscape, and the built and cultural heritage.”

Stated ‘Permitted uses’ include Sustainable Energy Installations and Utility Structures.

6.2.2. The following policies and objectives are also relevant-

- INF POL 47- To 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 that may be brought forward during the lifetime of the plan including the

⁶ Superseded by Consolidated version of the Meath County Development Plan 2021-2027 (incl. Variations 1 & 2) adopted on the 13th May 2024

delivery and integration, including linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.

- INF POL 48 To ensure that energy transmission infrastructure follows best practice with regard to siting, design and least environmental impact in the interest of landscape protection.
- INF POL 50 To require that the location of local energy services such as electricity, be undergrounded, where appropriate.
- INF OBJ 50 To seek the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.
- DM POL 27: To encourage renewable development proposals which contribute positively to reducing energy consumption and carbon footprint.
- DM OBJ 76: In the assessment of individual energy development proposals, the Council will take the following criteria 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, (please refer to Appendix 5 Landscape Character Assessment);
 - Impact on protected Views and Prospects, (please refer to Appendix 10 Protected Views and Prospects);
 - Impact on public rights of way and walking routes, (please refer to Appendix 12 Public Rights of Way);
 - Connection to the National Grid (where applicable);
 - Mitigation features, where impacts are inevitable;
 - Protection of designated areas - NHAs, SPAs and SACs, areas of archaeological potential and scenic importance;
 - proximity to structures that are listed for protection, national monuments, etc. (Please refer to Chapter 8 Cultural Heritage, Natural

Heritage, Landscape and Green Infrastructure and Appendices 6-9 inclusive for further details);

- Cumulative Impact of proposal.

6.3. Ministerial and other Guidelines/Guidance

- The Planning System and Flood Risk Management Guidelines, 2009
- Environmental Impact Assessment-
 - Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018
 - Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003),
- Appropriate Assessment-
 - OPR (2021) Practice Note PN01 Appropriate Assessment Screening for Development Management
 - 'The Status of EU Protected Habitats and Species' in Ireland 2019 published as a report to the European Commission as required every 6 years under Article 17 of the Habitats Directive⁷
 - DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
 - EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
 - EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC].

⁷ <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>

7.0 Natural Heritage Designations

7.1.1. The nearest European sites are-

- the Rye Water Valley/Carlton SAC (001398) c. 6.2 km to the south east
- the River Boyne and River Blackwater SAC (002299) c. 15km to the north west
- the River Boyne and River Blackwater SPA (004232) c. 21km to the north east

7.1.2. Other nearby Nature Conservation sites include-

- the Royal Canal pNHA (002103) c. 4.5km to the south
- Rye Water Valley/Carlton pNHA (001398) c. 6.2km to the south east

8.0 EIA Screening

8.1.1. The Applicant has submitted a 'Screening Report' for EIA. Section 4.1 generally concludes the proposal is not required to be subjected to an Environmental Impact Assessment.

8.1.2. The Applicant has submitted EIA Screening in section 5 against Schedule 7 criteria with 'information pertaining to Schedule 7A' of the Planning and Development Regulations 2001, as amended provided within. Section 6 of the report generally concludes there is *"no real likelihood of significant effects on the environment arising from the proposed development and as such an EIA is not required in respect of same."*

8.1.3. Notwithstanding the above, the Board are referred to Appendix 1 of this report where I have completed- Form 1 Pre-Screening.

8.1.4. Substation and BESS such as those proposed do not fall within a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and therefore no preliminary examination, screening for EIA or EIAR is required.

8.1.5. As the Applicant has submitted a Screening Report and clearly detailed that it includes information set out in Schedule 7A and Article 103 of the regulations an EIA

Screening Determination is required. Please See Appendix 2 Form 3 where I have determined the following:

8.1.6. Having regard to-

- The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001, as amended;
- The location of the proposed development and its proximity to existing electrical infrastructure;
- The nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as revised, and;
- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted the Natura Impact Statement and other related reports on file

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

9.0 **Assessment**

9.1. **Introduction**

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

- Principle of Development
- Residential Amenities – Noise, Air Quality, Climate and Human Health & Population
- Landscape and Visual Impact
- Biodiversity and Ecology
- Soils and Geology
- Cultural Heritage
- Traffic and Transport
- Surface Water & Flooding

9.1.2. Issues in respect of Appropriate Assessment are addressed in section 10 of this report.

9.2. **Principle of Development**

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

9.2.2. The Planning Statement submitted with the application provides a Justification for the Proposed Development. It details-

“The purpose of the proposed development under this application is to install electrical infrastructure capable of transporting renewably generated electricity from the proposed solar farm to the national grid via the existing 220kV

Maynooth-Gorman transmission lines, which transect the Site in a north-south direction” and

“The proposed substation infrastructure is necessary to ensure that renewably-generated electricity can be appropriately used for transmission purposes onto the national grid.”

- 9.2.3. The Board will note planning permission has been granted by Meath Council for a solar farm reference number 23/1144. This is currently subject to first and third party appeals under reference number ABP-320755-24. I have also made a recommendation on this appeal.
- 9.2.4. The site benefits from existing electricity infrastructure in the form of the existing 220kV Maynooth-Gorman transmission lines, which traverses the site in a north-south direction.
- 9.2.5. The importance of renewable energy is clearly acknowledged at a national, regional and local level as summarised in Section 6 above.
- 9.2.6. The NPF National Strategic Outcome (NSO) 8 focuses on the ‘Transition to a Low Carbon and Climate Resilient Society’ and includes National Policy Objective (NPO 55) to *‘promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a low carbon economy by 2050’*. The need for new energy systems and transmission grids is evident.
- 9.2.7. The Regional Spatial and Economic Strategy for the Eastern and Midland Region has a strategic role in terms of energy assets in national energy generation and transmission. Regional Strategic Outcomes No. 9 seeks to *“Support the Transition to Low Carbon and Clean Energy”*. Objectives of the RSES support sustainable reinforcement and provision of new infrastructure to ensure that the energy needs of future population and expansions within designated growth areas can be delivered and that a safe, secure and reliable source of electricity is available to the region. Regional Policy Objectives (RPOs) 10.20 and 10.22 seeks to support and facilitate the development of enhanced electricity supplies and associated networks as well as supporting the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission/ distribution of a renewable energy

9.2.8. At local level, the application site is located on lands zoned RA (Rural Area) with Sustainable Energy Installations and Utility Structures specifically listed as 'Permitted Uses' in the County Development Plan (CDP). The proposal is therefore consistent with the zoning objective.

9.2.9. CDP Policy INF POL 47 and Objective INF OBJ 50 of the Meath County Development Plan 2021-27 (CDP) seek-

- to support and facilitate the development of enhanced electricity supplies, and associated networks, to serve the existing and future needs of the County and to facilitate new transmission infrastructure projects that may be brought forward during the lifetime of the plan including the delivery and integration, including linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner and
- the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner

It is clear the provisions of the CDP provide local level support for the proposed development.

9.2.10. Having regard to all of the above, I am satisfied the proposed development is acceptable in principle.

9.3. **Residential Amenities – Noise, Air Quality and Climate and Human Health & Population**

9.3.1. The application is accompanied by

- an Environmental Noise Assessment prepared by PDA Acoustics Ltd,
- an Air Quality Assessment prepared by AWN Consulting Ltd and
- an Assessment of Climate Impacts – Construction and Operational Stage – prepared by AWN Consulting Ltd and
- Human Health and Population Impact Assessment – prepared by AWN Consulting Ltd

I assess hereunder the potential impacts of this development in terms of noise, air, climate and human health & population on residential amenities and consider potential visual impacts of the proposed development separately in Section 9.4.

Noise

9.3.2. The Environmental Noise Assessment (See Appendix XIII) details-

“Plant noise associated with the development (i.e. transformers, buildings and BESS installation and the cumulative impact of the solar farm) has been assessed in accordance with the recommendations of good practice guidance, e.g. EPA NG4, BS8233 and WHO Guidelines for community noise. The closest dwellings are located adjacent to the boundary of the solar farm. It is noted however that the dominant noise source elements, these being the proposed transformers/BESS etc, are located significantly further away from the said dwellings at an approximate distance of 380m.”

9.3.3. The report details a noise model using noise modelling software and plant noise data has calculated operational noise levels arising from the proposal meets the recommended limits of good practice guidance, due to the separation distance to the noise sensitive receivers. It also details calculated noise levels would be below the external noise levels for amenity spaces as recommended in BS8233 and WHO Guidelines.

9.3.4. The report details that a cumulative noise assessment was also undertaken, and the model considers the noise from the proposed inverter/transformers that form part of the Blackhall Solar Farm (ABP-320755-24). Calculated noise levels at the closest receivers are set out in Table 5 and these meet the proposed outdoor noise limits for both the day and night time, mainly due to the separation distance to the noise sensitive receivers. The report states-

“the proposed SID and BESS installation, in combination with the proposed solar farm, will have a low impact upon the nearby noise sensitive receivers, and additional receivers that are further away would experience lesser impacts.”

- 9.3.5. Construction noise impacts were also assessed in section 6 generally against the criteria of the guidance set out in BS 5228:2009(+A1:2014) Code of Practice for noise and vibration control on construction and open sites.
- 9.3.6. The calculations suggest that noise levels would not exceed good practice target criteria suggested by BS5228 at the nearest receivers during construction of the proposed development. Good practice recommendations have been outlined to further reduce any likely noise impact of the construction works.
- 9.3.7. I have considered the contents of the Noise Assessment in full which I consider comprehensive and robust. Overall no significant issues are identified, and a range of good practice measures are proposed, including communication with local residents. Subject to suitable planning conditions I am satisfied that the proposed development would not have significant adverse impacts.

Air Quality

- 9.3.8. The Air Quality Report Assessment (Appendix XII) addresses the 'Construction and operational stage assessment of air quality impacts'. Construction phase impacts relate to dust and traffic. Operational phase impacts relate to traffic.
- 9.3.9. In terms of dust sensitive receptors such as houses identified within 50 m of the site boundary are identified in Figure 2. The overall risk of dust impacts during construction is then summarised in Table 10. The report details-

"There is at most a low risk of dust soiling impacts and human health impacts associated with the proposed works, therefore, best practice dust mitigation measures will be implemented to ensure there are no significant impacts at nearby sensitive receptors. In the absence of mitigation, dust impacts are predicted to be short-term, negative and imperceptible."

- 9.3.10. Construction traffic can cause emissions to air due to the increase in HGVs and related traffic accessing the site. The construction stage traffic has been reviewed and a detailed air quality assessment has been scoped out against TII criteria, given the level of traffic anticipated. The construction stage traffic impact on air quality is rated imperceptible, direct, neutral and short-term impact on air quality.

- 9.3.11. Operational traffic utilising the site will be low in numbers and no significant impacts in terms of air quality are identified in this regard. Operational stage impacts to air quality are predicted to be imperceptible, direct, neutral and long-term.
- 9.3.12. Section 5 of the report proposed best practice mitigation measures to limit impacts on air quality. I consider these to be reasonable and acceptable. No significant cumulative impacts have been identified.
- 9.3.13. I consider the location of the proposed development will not have a significant negative impact on the residential amenities of the most proximate dwellings in terms of air quality.

Climate

- 9.3.14. The application is accompanied by a report on Construction and Operational Stage Assessment of Climate Impacts (Appendix XIII)
- 9.3.15. Section 5 identifies potential impacts of the proposed development. It details that there is potential for greenhouse gas emissions to atmosphere during the construction and operational phases of the proposed development.
- 9.3.16. During the construction stage the main source of climate impacts will be as a result of GHG emissions and embodied carbon associated with the proposed construction materials and activities for the proposed development.
- 9.3.17. During the operational phase, traffic accessing the site has the potential to impact on climate. In addition, the report considers the vulnerability of the proposed development in relation to future climate change during the operational phase.
- 9.3.18. Notwithstanding such impacts the report details the proposal is enabling infrastructure for renewable energy sources and therefore aligns with Ireland's GHG trajectory to net zero by 2050 as per TII Guidance (TII 2022).
- 9.3.19. I consider the location and nature of the proposed development will not have a significant negative impact on the residential amenities of the most proximate dwellings in terms of Climate.

Human Health and Population

- 9.3.20. Section 5 of this assessment (Appendix XIV) details potential impacts of the development during construction and operation. It focuses on impacts to-

- Businesses and Residences
- Landscape, Amenity and Tourism
- Land and Water
- Air Quality
- Noise and Vibration
- Traffic and Transportation and
- Major Accident Hazards and Disasters

9.3.21. While some negative potential for short term impacts are identified to human health and population during construction e.g. visual and landscape, noise and vibration, land and water, air quality etc. I am satisfied none of these can be categorised as significant.

9.3.22. The report details the operational phase will have a negative but not significant long term impact in terms of landscape and visual effects. This is considered further in the applicants LVIA and assessed in section 9.4 of this report. No other negative or significant impacts are identified.

9.3.23. The report then discusses remedial impacts and proposes mitigation and monitoring measures for both the construction and operation stages. Such measures are set out including those detailed in the Construction Environmental Management Plan (CEMP), the Environmental Noise Assessment Report, the Traffic Management Plan the Air Quality report etc.

9.3.24. During operation no specific mitigation measures are proposed save for best practise management measures and landscaping maintenance etc.

9.3.25. The report does not identify any significant residual impacts during construction or operation.

9.3.26. Cumulative impact considerations are set out in section 8 of the report. In terms of the construction phase it discusses a worst case scenario where multiple developments in the area could be developed concurrently or overlap in the construction phase and contribute to additional impacts in terms of traffic, dust, and noise.

- 9.3.27. The report details the greatest potential for cumulative impacts is the related Blackhall solar farm (23/1144 and ABP-320755-24). It argues the mitigation detailed in the various reports submitted for that application will be implemented for the protection of human health, reducing the potential for cumulative impacts.
- 9.3.28. Overall cumulative dust impacts with other developments within 500m is considered possible but with mitigation as proposed this is not considered significant.
- 9.3.29. No significant cumulative impacts are detailed during the operation stage.
- 9.3.30. Having considered all of the above including the sections on noise, air and climate and subject to typical planning conditions I am satisfied the proposed development will not have a significant negative impact on Human Health and Population.

Conclusion

- 9.3.31. Having regard to all of the above, I am satisfied that subject to the best practise and mitigation measures proposed as part of the application including typical planning conditions relating to the CEMP, noise, operating hours etc. the proposed development will not have significantly adverse impacts on residential amenities in the area including noise, air, climate and human health & population.

9.4. Landscape and Visual Impact

- 9.4.1. The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) prepared by Ascerta (Appendix VIII). It includes a Photomontage Report in its third Appendix. The application also includes a Landscaping Plan and Landscape Report prepared by Cathal O' Meara Landscape Architects (Appendix IX). This appears to be one A1 drawing titled- Landscape Layout and Dwg No: 2402_LAP-001 Rev03.
- 9.4.2. As per the Meath CDP, Appendix 5⁸- Landscape Character Assessment, the site is located within the Tara Skryne Hills (LCA). This LCA includes a Landscape Value of 'Exceptional', a Landscape Sensitivity of 'High' and a Landscape Importance of 'National/ International'⁹.

⁸ Appendix 5 includes 2 documents- the written text and separately maps.

⁹ The CDP explains this LCA does not meet the full criteria for International Importance, but it does have sufficient landscape heritage merit to warrant its promotion as an international attraction and an application for an international designation by UNESCO.

- 9.4.3. It is notable this LCA designation is divided into two separate parcels, essentially divided by a strip of a separate LCA known as the 'South East Lowlands'. The application site located in the southernmost parcel c. 16km south of the Hill of Tara and c. 17km south west of the Hill of Skryne which are both in the northern parcel. The text section for this LCA sets out 'Potential Capacity' for the LCA with point 6 stating-

"This area has low potential capacity to accommodate overhead cables, substations and communication masts due to their visual prominence and the high sensitivity of this LCA."

- 9.4.4. DM OBJ 76 of the Meath CDP details in considering applications for individual energy development proposals, the Council will take detailed criteria into account including the impact of the development on the landscape, with reference to Appendix 5 Landscape Character Assessment.
- 9.4.5. The site is located in an existing agricultural field that is clearly a rural landscape. However the rural area is also notably characterised by the existing 220kV Maynooth-Gorman transmission line that transects the site in a north-south direction with two existing pylons c. 20m in height.
- 9.4.6. The application site has a stated site area of 25.15 hectares. It and the wider area benefits from existing trees and hedgerows, which screen elements of the site from public roads. The site is relatively flat and low lying with Ordnance Survey Discovery Series mapping available to the Board suggests the majority of the site to be around the 100 metre contour with a peak of 106m just east of the site. Lands gently rise to local peaks of 131m near the Mullagh crossroads north of the site and 129m north east. Lands to a distance south of the site gently fall towards 90m and 80m with areas near Kilcock around 70m. The OS Mapping details the Hill of Tara with a peak of 159 m and Skryne Hill at 172m. Section 4.1.3 of the LVIA details the overall site generally appears flat ranging from circa 99m AOD at the site's northern boundary, and circa 99m AOD along the site's southern boundary.
- 9.4.7. The majority of the proposed development (i.e. the c. 13,598 sq.m compound) is to be located to the centre and east side of the site c. 300m north of the proposed entrance. The GIS Building is proposed at 17m high, 49m long and 18.5m deep with a footprint of c. 906.5 sq.m over two floors. It will have a rectangular flat roof shape

finished in metal roof cladding panels and anthracite grey in colour. The IPP Building¹⁰ is proposed at c. 6.92m high, 30.2m long and 10.7m deep with a footprint of c. 324.50sqm. It is to be finished with a pitched slate roof and nap plaster walls.

9.4.8. The submitted LVIA sets out the methodology employed. The assessment is based on a 3 km radial study area and ten viewpoint locations selected using desk-based research. A Zone of Theoretical Visibility (ZTV) model was also developed which seeks to indicate the overall visibility range of the ultimate heights of the substation and the two additional pylons within the context of the wider landscape setting. The LVIA details the ZTV allows for 18m for the GLS Building. The results of the ZTV are presented in image 6 and 7 of the LVIA report and based on an average eye level of 1.7m above ground.

9.4.9. Section 4.1.2 of the LVIA discusses designations within the area with the following historic assets in close proximity to the site identified-

- an enclosure in Mulhussey (ME04511) located 147m east of the site
- the Mulhussey Church (ME01974), graveyard (ME03840), and moated site (ME03841) to the southeast of the site on the opposite side of the Local Road
- A number of other assets within the 3km study area are also detailed and identified in Appendix 2 Figure 2.1
- Eight buildings registered within the National Inventory of Architectural Heritage (NIAH) are located within the 3km study, all at least 1.3km west of the site and screened by intervening hedgerows and trees.

See also Table 1 of the LVIA P.33 for assets identified in the Tara Skryne Hills (LCA) and Table 12 for parts of the study area located within the South East Lowlands (LCA).

9.4.10. Section 6 of the LVIA examines and assesses effects upon each Landscape Character Area based on Landscape value and susceptibility to change. These are set out in Table 3. The level of effect upon the Tara Skryne LCA is described as a Moderate-Minor Adverse.

¹⁰ Control Building

9.4.11. Table 4 sets out the level of effect upon the South East Lowlands LCA with the level of effect described as Minor adverse.

9.4.12. Section 6.1.1 details construction works, will be a prominent alteration to features and perceptual aspects of the site itself. Such impacts although generally prominent are not considered uncharacteristic due to the existing pylons already located within the site and running through the landscape, notwithstanding existing hedgerows and trees. Construction works are detailed as temporary in nature and the site is enclosed by perimeter and internal hedgerows that will be retained.

9.4.13. Section 7 of the submitted LVIA considers visual and landscapes impacts from the ten viewpoints selected as detailed in Table 5. See also Appendix 2, Figure 2.4. Summarised overall level of visual effects is considered to range from-

- Medium - Minor adverse along the local road to the south of the site (VP 1 & 2),
- Moderate-Minor Adverse for residents at VP3 and school building at VP4
- Moderate-Minor Adverse for residents at VP5
- Minor-Adverse for residents from VP6
- None from Heritage Asset at VP7
- Minor-Adverse for residents at VP8
- Negligible for residents at VP9 and
- Negligible for Heritage Asset at VP10.

9.4.14. A number of typical Mitigation Measures are set out in section 8 to help minimise adverse effects over time and help direct the landscape scheme. These are generally considered typical and reasonable with the most notable for me being site selection located away from the road network and to minimise the loss of existing hedgerow on site. Remaining measures generally include supplementing existing and proposing new planting for screening purposes.

9.4.15. An overall summary Table of Landscape and Visual Effects is set out in Table 17 and 18.

- 9.4.16. Generally, I consider the submitted LVIA to be a robust and well-reasoned consideration of the main landscape and visual impacts issues of the proposed development in its local and wider context, with specific regard had to the LCA which the site is located. I am satisfied the proposed site is significantly distant and not located at a prominent location to have any significantly adverse impacts within the Tara and Skryne Hills or South East Lowlands LCA's. I also note the Planning Authority have not raised any specific concerns in this regard.
- 9.4.17. I find the LVIA somewhat silent on the extent of the visual impact from local receptors of the proposed 17m high, 49m long and 18.5m deep GIS Building which in my opinion would have a high magnitude of landscape and visual impact with a significant level of effect. However this impact must also be considered in the context of existing electrical infrastructure in the area as well as the siting of the structure in excess of 500m away from sensitive receptors such as houses and the local school. The application also proposes evergreen trees to provide screening along the eastern boundary of the proposed structures as per Dwg. No: 2402_LAP-001 Rev03.
- 9.4.18. The LVIA is also silent regarding cumulative landscape and visual impacts which is somewhat surprising considering the stated purpose of the proposal to install electrical infrastructure capable of transporting renewably generated electricity from the proposed solar farm (23/1144 and ABP-320755-24) to the national grid via the existing 220kV Maynooth-Gorman transmission lines. Notwithstanding this, I am satisfied there is no obligation for the proposed development to consider cumulative impacts especially those for developments not yet permitted. In this context, I have considered cumulative landscape and visual impacts of the proposed development with that proposed under 23/1144 and ABP-320755-24 (which I have also prepared a recommendation for). In such a context the proposed development would be acceptable noting the sites proximity to the national grid.
- 9.4.19. Overall and in particular noting the sites existing context and proximity to the national grid, subject to suitable conditions including the landscape layout and mitigation measures as proposed, I do not consider the proposed development would have significantly adverse landscape or visual effects.

9.5. Biodiversity and Ecology

- 9.5.1. An Ecological Impact Assessment (EclA) dated 24/05/24 and a Biodiversity Management Plan were prepared by Moore Group Environmental Services. Wintering Bird (May 2004), Breeding Bird (July 2024) and Bat Surveys (July 2024) are provided in Appendix 3 of the EclA. All three surveys have been prepared by Eire Ecology.
- 9.5.2. The three surveys are indicated as for the Blackhall Solar Farm rather than dedicated solely to the proposed SID application. The Board will note the site of the subject SID is wholly within the site boundary of the solar farm application ABP-320755-24 which I have also prepared a recommendation for.
- 9.5.3. The Board will also note the submitted EclA includes a number of what appear to be review comments that have not been removed or finalised. This was highlighted by Meath County Council in their submission and the Applicant has not taken the opportunity to address this in their response to those comments. I have considered these against the totality of information on file as well as the information provided with planning application ABP-320755-24. In this regard, I am satisfied there is sufficient information on file to make a recommendation to the Board.
- 9.5.4. Section 2 of the EclA sets out the methodology applied, which includes a combination of desk top studies using recognised ecological data bases and field surveys. Site surveys included a Habitats survey on the 1st, 3rd, and 15th of August 2023 as well as surveys of bats and birds using standard transect methodology. The methodologies employed for these are detailed further in each survey report.
- 9.5.5. A Screening for Appropriate Assessment and Natura Impact Assessment were also conducted and submitted with the application. This is assessed separately under Section 10 hereunder.
- 9.5.6. The habitats recorded are detailed in section 4.2 and classified in accordance with Fossitt, 2000. These can be summarised as Arable Crops BC1, Hedgerow WL1, Scrub WS1 and Drainage Ditches FW4. Figure 5 of the EclA presents a habitat map of the larger overall solar farm¹¹ and the subject site. The drainage ditches on site are detailed to connect under the local road to Jenkinstown Stream which flows to

¹¹ 23/1144 and ABP-320755-24- not yet determined.

the west of the application site on the opposite side of the local road. Overall the habitats detailed are generally consistent with my observations on site.

- 9.5.7. In relation to mammals no evidence of otter, badgers or badger setts, were discovered in the SID application site area. A single badger sett was recorded to the north of the application site as shown on Figure 5 i.e. within the solar farm application boundary.
- 9.5.8. Section 4.1.1¹² of the EclA states Bats recorded during surveying included Leisler's bat, Common and Soprano Pipistrelles. The dusk bat survey concluded that no bat roosts were found within the solar farm application site and that overall bat activity was low see Figure 6 and Table 2. Two roosts were identified near the solar farm application site boundary- see section 4.1.2 of the actual bat survey but not within the subject application site. The non-finalised comments in the EclA regarding Bats are not considered significant and I note any works which would impact bats such as damage to their roosts or disturb them at important parts of their life cycle cannot take place without first obtaining a derogation licence from the NPWS.
- 9.5.9. One record of pine martin is detailed which appears to be along the local road to the south of the site. The non-finalised comments in relation to other mammals is not considered significant as no evidence of such was recorded during the survey.
- 9.5.10. The findings of the wintering and breeding bird surveys are discussed in section 4.1.2¹³ of the EclA. The non-finalised comments in relation to birds are not considered significant having regard to the information provided within the surveys.
- 9.5.11. Section 5.2 of the EclA details an impact assessment including-
- The site is arable land and there will be a temporary local loss of habitat
 - With best practice for the prevention of invasive species spread there is no potential for the spread or introduction of high impact invasive species foreseen
 - No impact expected to bat specie from loss of trees
 - There are no predicted significant effects on breeding birds

¹² The Board should note numbering and ordering errors in the EclA. 4.1.1 is on page 21 after section 4.2.

¹³ Pages 23-28

- 9.5.12. Indirect impacts to European Sites are considered in section 5.2.2 and it is detailed that such potential impacts will be addressed through mitigation resulting in no impacts.
- 9.5.13. Cumulative impacts are considered in section 5.2.3 with reference to a number of detailed planning applications. Subject to mitigation in the form of construction management no significant effects are predicted.
- 9.5.14. Section 6 details proposed Mitigation Measures including the enforcement of the Construction Environmental Management Plan and other typical related measures identified. In terms of Bats and Birds measures include seeking a derogation license as required and cutting to avoid nesting season. Section 5 of the Breeding Bird Survey details relevant mitigation and enhancement. Other measures are also detailed in each survey e.g. lighting restrictions and monitoring for bats.
- 9.5.15. In relation to the non-finalised comments on mitigation for bats and birds, I note the extent of hedgerow removal is minor at c. 12m. The comments appear to relate to the solar farm i.e. reference to three locations. I do not consider the removal of c. 12m of hedgerow would significantly impact upon foraging/commuting habitats in this context and I note the stated mitigation to seek derogation licences in any event.
- 9.5.16. Measures detailed for birds include employment of an Ecological Clerk of Works (ECoW), monitoring with surveys during construction and specific measures for the promotion of habitats for Yellowhammer (see also figure 5.1 of Breeding Bird Survey).
- 9.5.17. Section 3.2.2 of the Biodiversity Management Plan (BMP) details the Yellowhammer as the only specie significantly impacted from the loss of tillage. 14.61ha¹⁴ covering several areas has been prescribed for wild bird cover planting as detailed. See figures 2 and 3 of the BMP. To supplement this measure the BMP states-

“Yellowhammer monitoring program will be implemented for years 1 to 3 post construction. If a significant decline of breeding Yellowhammer is found additional measures will be implemented to prevent a decline in population. One such measure is to rent out lands adjacent to Section 1 and plant this area with tillage, transformed from improved grassland.

¹⁴ 13.61ha is stated in the solar farm application.

In addition the 5m margins between solar panels and hedgerows / treelines will be planted with a wildflower / bird crop seed mix thus limiting impacts on this species.”

9.5.18. The Planning Authority have invited the Board to consider whether renting land can be implemented by way of planning condition and state it is unlikely. The Planning Authority have however granted the solar farm¹⁵ where the same measure was proposed. I acknowledge the Planning Authority’s concern however the EclA does not indicate the proposal will result in a negative impact on Yellowhammer, there is no suggestion the primary mitigation of wild bird cover planting in the wider solar farm application site will not be successful and renting of enhancements lands if required following monitoring is a secondary mitigation measure. In this context, it is my opinion, reasonable for the Board to consider the proposal subject to conditions.

9.5.19. I have reviewed all of the information in file and have considered same in the context of ABP-320755-24 which I have also prepared a recommendation on. Overall the submitted EclA, survey reports and BMP represent a reasonable assessment of the matters pertinent to Biodiversity and Ecology. Having considered the nature of the application and the context of the site and the proposal, I am satisfied the likely ecological impact of the proposed development would be acceptable and would not have a significantly negative impact on overall biodiversity, subject to planning conditions and the measures detailed in the application.

9.6. Soil and Geology

9.6.1. The application documentation is accompanied by a Site Specific Soils and Geology Report – prepared by Ciarán Reilly & Associates and is dated the 24th of April 2024 (Appendix XV). This report considers the likely effects on land, soil and geological aspects of the proposed development.

9.6.2. The Methodology employed is set out in section 2 and included a desk study with Baseline Monitoring and Site Investigations. Eight trial pits between 1.3m and 3.0 depth were excavated and summarised in section 3.2. Full details are provided in Appendix 1. Groundwater was encountered in three pits ranging from depths of 1.2m

¹⁵ Under appeal ABP-320755-24 and I have also prepared a recommendation.

to 2.5m. These are TP001, TP003 and TP 8. Location of the pits is shown in Figure 2¹⁶.

- 9.6.3. Likely effects during the construction, operation and other stages are discussed in section 4. Potential construction effects include permanent removal of topsoil and subsoils, potential contamination to soils from leakages and spills etc, potential erosion of exposed soils and economic geology impacts from loss or aggregates. Overall the only significant negative impact identified is contamination of soil but this is considered unlikely.
- 9.6.4. No significant impacts are identified during the operation stage.
- 9.6.5. Mitigation and Monitoring measures are set out in section 5. These include a number of typical measures as set out in the Construction Environmental Management Plan (CEMP) for the construction stage. No specific measures are proposed for the operation stage and I note some typical best practise management measures are detailed.
- 9.6.6. Section 6 discusses residual effects. No significant effects are anticipated during the construction or operational phase.
- 9.6.7. Cumulative effects are considered in section 9. It details as the extent of works will be kept within the site boundary there is no potential for significant cumulative effects on land, soils and geology in combination with other local developments. This section does consider the proposed but not yet determined solar farm (23/1144 and ABP-320755-24) and details impacts upon the economic geology of the area. However significant effects are unlikely to arise.
- 9.6.8. Having considered all of the above, subject to standard best practise measures, mitigation measures as proposed including those set out in the CEMP and suitable planning conditions I am satisfied the development as proposed will not have significant adverse impacts upon the soils and geology environment of the area.

¹⁶ The report states Figure 22 but this a likely typing error.

9.7. Cultural Heritage

- 9.7.1. The application documentation is accompanied by a Cultural Heritage Impact Assessment (CHIA) by Courtney Deery dated the 23rd of April 2024 (Appendix III). This included a Geophysical Survey and Test Excavation Report under licence.
- 9.7.2. The CHIA details no architectural heritage sites including protected structures, designated or otherwise, will be affected by the proposed development¹⁷. In terms of Archaeological Heritage it details there are no recorded monuments within the proposed site with the nearest located c. 120m to the east is an enclosure (ME049-031)¹⁸. A church, graveyard, moated site (ME049-011, -011001, -011002) and an upstanding tower house (ME049-012) are located to the south of the site, c. 125m and c. 245m respectively, on the opposite side of the public road¹⁹.
- 9.7.3. The methodology is set out in section 1.4 and includes a desk study with a review of relevant information and/or guidance including results of a previous assessment undertaken for a proposed solar farm currently under appeal (23/1144 and ABP-320755-24). The previous assessment included site inspection, geophysical survey, and archaeological testing.
- 9.7.4. Geophysical survey undertaken to inform the solar farm assessment suggested 2 potential archaeological sites within the current application boundary. These are labelled as AH1 and AH2²⁰ with AH3 representing geophysical anomalies recorded during surveys.
- 9.7.5. As part of the solar farm overall Archaeological Testing under Licence no. 23E0835 was undertaken. 8 trenches were dug within the site²¹ including T28 to investigate the geophysical anomalies at AH3. Deposits typical of burnt mound material, indicating remains of a 'fulacht fia' were recorded. A summary of trenches with archaeological features within the proposed site are set out in Table 1 on page 28.
- 9.7.6. Section 7 of the CHIA sets out recommendations or mitigation measures to include exclusion zones from the three identified sites and further Archaeological monitoring

¹⁷ See Figure 12 Page 22.

¹⁸ See figure 10 Page 18.

¹⁹ See Figure 11 Page 21

²⁰ See section 4 page 24

²¹ See Figure 16 Page 27

as required. Other recommendations include screening to preserve the appearance and character of the wider agricultural landscape and thereby protect the setting of archaeological monuments and architectural heritage sites in the surrounding area and obligations for the developer as regards their responsibility should archaeological items be found.

- 9.7.7. I note general concerns and recommendations raised by the Planning Authority regarding Archaeology. I am satisfied these concerns can be adequately addressed by condition.
- 9.7.8. Overall I am satisfied that the CHIA and associated reports as submitted represent a thorough and comprehensive consideration of matters pertinent to Cultural Heritage. Subject to suitable planning conditions the proposed development will not impact significantly upon cultural heritage including archaeology.

9.8. Traffic and Transport

- 9.8.1. The application is accompanied by a Transport Management Plan (TMP) (Appendix XI)
- 9.8.2. In response to issues raised by TII, the applicant have indicated no objection to the implementation of the conditions suggested by TII. However they do contend that responsibility for damage to national roads would be difficult to attribute to single vehicles and such conditions may not be enforceable. I tend to share this position.
- 9.8.3. Construction traffic routes are set out in section 3 of the TMP. It details a single journey movement by an Abnormal Indivisible Load Vehicle (AILV) associated with the delivery of transformers for the proposed substation. Typical Heavy Goods Vehicles (HGVs), including articulated lorries and standard rigid vehicles as well as standard skip vehicles, associated with the delivery/removal of materials, and a number of smaller vehicles are expected to be used during the construction period.
- 9.8.4. All HGV and AILV movements to/from the proposed site are detailed to utilise the L6217 and the R125, and then connect with the R156 to the north. These are expected to access the national road network via the M3/N3 approximately 10km to the east of the site. HGVs and AILVs would not travel via the L2228 through Dunboyne, instead they will utilise the R157 to access the M3 at Pace Interchange. Figure 2 of the TMP demonstrates the construction traffic route.

- 9.8.5. Once the development is operational it is expected that the development would be visited only a small number of times a year for maintenance purposes. These trips will be typically made by cars or small vans.
- 9.8.6. A number of traffic management measures are set out in section 6 of the TMP which I consider reasonable having regard to the nature and extent of the development.
- 9.8.7. I note that the Planning Authority has raised no issues with the level of traffic to be generated by the development
- 9.8.8. Having considered all of the above and subject to typical planning conditions, I am satisfied the development as proposed will not lead to significant undue Traffic and Transport impacts during construction and operation.

9.9. Surface Water & Flooding

- 9.9.1. The application form indicates surface water drainage will be to a soakaway with full retention separator and will discharge to existing on-site drains. It also details all surface water will be fully treated to ensure no deleterious matter will be discharged to local surface water features. The application is also accompanied by Site Specific Flood Risk Assessment (FRA) – prepared by IE Consulting Ltd (Appendix VI).
- 9.9.2. Notwithstanding what is stated in the application form²² existing on site drainage and surface water drainage proposals appears to be presented on the following drawings-
- 05987-DR-100 - Site Location Plan
 - 05987-DR-102 - Site Layout Map
 - 05987-DR-103 - Site Layout Plan Sheet 1 of 3
 - 05987-DR-104 - Site Layout Plan Sheet 2 of 3 (location of soakaways and retention separator shown just to north east of GIS Building.
 - 05987-DR-123 - Site Layout Plan Sheet 3 of 3
 - 05987-DR-105 - Substation Layout Plan and

²² “Refer to Dwg. Ref. 05987-DR-108 – Drainage Details; 05987-DR-104 – Site Layout Plan and 05987-DR-105 – Substation Layout Plan”

- 05987-DR-108 - Drainage Details

- 9.9.3. The application proposes diverting approximately 200m of the existing north-south field drainage channel to join an existing drainage channel in southern portion of the site. This is best shown in drawing 05987-DR-103 and detailed in section 6.2 of the FRA. It is intended to facilitate the construction of one of the proposed pylons- Tower 103A.
- 9.9.4. The existing drainage regime of the site and wider area is displayed in Figure 1 of the (FRA). Page 7 of the submitted Appropriate Assessment Screening Report details the onsite drainage ditches are connected to the Jenkinstown Stream (FW4) which flows to the west of site on the opposite side of the local road.
- 9.9.5. In relation to Flooding the applicants FRA details the proposal has been screened, scoped and assessed for flood risk in accordance with 'The Planning System and Flood Risk Management Guidelines 2009' and it has been determined the development does not fall within a fluvial Flood Zone 'A' or Flood Zone 'B'. Overall it concludes the development is not predicted to result in an adverse impact to the existing hydrological regime of the area or increase flood risk elsewhere, and is therefore considered to be appropriate from a flood risk perspective.
- 9.9.6. I have reviewed Meath County Councils flood risk mapping as part of the County Development Plan²³. The application site is not located within Flood Zone A or B and therefore there is no requirement for The Justification Test as set out in the 2009 Flooding Guidelines.
- 9.9.7. The Planning Authority have raised no concerns regarding surface water disposal or flooding. They have recommended typical conditions in this regard.
- 9.9.8. Having considered all of the above I am satisfied that potential for flooding of the lands has been examined in sufficient detail and no significant risks exist. I am satisfied that the proposed development will not impact in this regard on adjoining areas. Subject to planning conditions regarding surface water disposal the proposed development is acceptable in this regard.

²³

<https://meathcoco.maps.arcgis.com/apps/webappviewer/index.html?id=a124468604084ba9972dd38bca9d497c>

9.10. Other Matters

9.10.1. Water Supply-

- The application form does not detail how water will be supplied to the proposal nor have I identified such a proposal in the information on file. Drawing No. 05987-DR-110 shows a WC and Messroom within the proposed IPP building.
- It is possible the proposal will include for a rainwater harvesting system to supply water for toilet facilities and hand washing given the likely scale of operational usage at the site. The application form details wastewater will be collected on site in a sealed tank and removed off-site as required by a licensed waste collector. Given the likely operational usage of the site this is considered typical and acceptable.
- Should the Board decide to grant permission it is recommended the matter of water supply be addressed through condition.

9.10.2. The Planning Authority have requested the Board have regard to a schedule of 39 planning conditions. The Applicant has addressed these conditions in their submissions response. I have considered the information on file and am satisfied that the conditions set out in section 13 below adequately provide for the development as proposed should the Board decide to grant permission.

10.0 Appropriate Assessment

10.1. Screening Determination (Stage 1)

10.1.1. I have considered the proposed Substation, Battery Energy Storage System and connections with ancillary infrastructure and all associated site work in light of the requirements of 177S and 177U of the Planning and Development Act 2000 as amended. An AA Screening Report (AASR) was submitted with the planning application and concludes-

"..... it cannot be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or

projects, beyond reasonable scientific doubt, will have a significant effect on a European site."

- 10.1.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information including that on file, it is concluded that the proposed development may have a significant effect on the Rye Water Valley/Carton SAC (001398) from effects generally associated with surface water pollution during construction and operation. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is required on the basis of the effects of the project 'alone'.
- 10.1.3. No measures intended to avoid or reduce harmful effects on European sites were considered in reaching this conclusion.

See Appendix 3 for AA Screening

10.2. Appropriate Assessment (Stage 2)

- 10.2.1. The development of the proposed Substation, Battery Energy Storage System and connections with ancillary infrastructure has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 10.2.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposal may have a significant effect on the Rye Water Valley/Carton SAC (001398). 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.
- 10.2.3. 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 Rye Water Valley/Carton SAC (001398) or any other European site, in view of the sites' Conservation Objectives.
- 10.2.4. This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the European sites and an assessment of likely in-

combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.

See Appendix 4 for Stage 2 Appropriate Assessment.

11.0 Recommendation

11.1. Having regard to the foregoing I recommend that permission for the proposed development be granted, subject to conditions, for the following reasons and considerations as outlined in the Draft Order below.

12.0 Draft Order

Reasons and Considerations

- a) The nature, scale and extent of the proposed development,
- b) The pattern of development within the area and context of the receiving environment,
- c) The national targets for renewable energy contribution to the overall national grid,
- d) The national, regional and local policy support for developing renewable energy, in particular:
 - i. Climate Action Plan 2024
 - ii. Climate Action and Low Carbon Development Act 2015 (as amended)
 - iii. Project Ireland 2040 National Planning Framework (2018)
 - iv. National Development Plan 2021-2030
 - v. National Energy Security Framework (April 2022)
 - vi. National Energy & Climate Action Plan 2021-2030
 - vii. National Biodiversity Action Plan 2023 – 2030
 - viii. The Regional Spatial and Economic Strategy for the Eastern & Midland Region 2019-2031
 - ix. The Meath County Development Plan 2021-2027

- e) the planning history of the immediate area including proximity to the solar farm (ABP-320755-24),
- f) the distance to dwellings and other sensitive receptors from the proposed development
- g) Measures proposed for the construction, operation and decommissioning of the development,
- h) The submissions on the file, including prescribed bodies and the Planning Authority,
- i) The documentation submitted with the application,
- j) mitigation measures proposed for construction and operation of the site, and
- k) the report of the Inspector.

Appropriate Assessment

The development of the proposed Substation, Battery Energy Storage System and connections with ancillary infrastructure has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000, as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposal may have a significant effect on the Rye Water Valley/Carton SAC (001398). 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 Rye Water Valley/Carton SAC (001398) or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the European sites and an assessment of likely in-

combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.

EIA Screening Determination

Having regard to-

- The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001 as amended;
- The location of the proposed development and its proximity to existing electrical infrastructure;
- The nature of the existing site and the pattern of existing and permitted development in the surrounding area;
- The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as revised;
- The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as amended, and;
- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted Natura Impact Statement and other related reports on file

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, National, Regional and Local planning and related policy, would be consistent with the provision of the Climate Action Plan 2024 and would make a positive contribution towards Ireland's renewable energy and security of energy supply requirements. The proposed development would not have an unacceptable impact on the character of the landscape or on cultural heritage, would not seriously injure the visual and residential amenities of the area, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, would not lead to an increased risk of flooding within the site or adjoining lands, would be acceptable in terms of public health, traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as supplemented by the information received on the 02nd day of September 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to the commencement of development and the development shall be carried out in accordance with the agreed particulars.

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

2. The mitigation measures contained in the submitted Natura Impact Statement shall be implemented in full.

Reason: To protect the integrity of European Sites.

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

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

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

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

5. External finishes to fencing, gates and exposed metalwork (non-galvanised/subject to EirGrid requirements), roof and external walls of all buildings, shall comply with the requirements of the planning authority.

Reason: In the interest of visual amenity.

6. Prior to the commencement of development, the developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Such requirements shall require provision of a detailed Traffic Management Plan and shall include the following details:
 - a. Consultation with TII and all private and public companies and road authorities.
 - b. Details of haulage routes, control measures for abnormally sized vehicles and an Abnormal Load Assessment.

- c. A road condition survey of roads and bridges along the haul route to be carried out at the developer's expense and to the satisfaction of the planning authority.
- d. Detailed arrangements for construction damage to be made good by the developer to the satisfaction of the planning authority.
- e. Detailed arrangements for temporary traffic management/controls and protocols to keep residents informed,
- f. Construction Route Signage,
- g. Road Opening Licences if required,
- h. Arrangements for the phasing of the development and any concurrent or sequential phase of the Solar Farm or cabling in the public road to connect the solar farm to the sub-station.
- i. Detailed design of the site entrance with provision of entrance and sightlines to the satisfaction of the planning authority.

Reason: In the interest of traffic and pedestrian safety.

7. Prior to commencement of development, a detailed Construction Environmental Management Plan (CEMP) for the construction phase shall be submitted to and agreed in writing with the planning authority. The CEMP shall incorporate the following:

- a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, dust and surface water management measures including appointment of a site noise liaison officer, construction hours and the management, transport and disposal of construction waste. This shall address any concurrent construction phase of the Solar Farm.
- b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
- c) an Invasive Species Eradication and Management Strategy for the site, to include monitoring post completion of works;

- d) an emergency response plan;
- e) proposals in relation to public information and communication and
- f) A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority.

The finalised Construction and Environmental Management Plan shall also take account of the mitigation measures outlined within the NIS.

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

8. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the NMS as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the National Monuments Service, regarding appropriate mitigation (preservation in-situ/excavation).

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer.

Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report

describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. A finalised Landscape Management and Maintenance Plan and Biodiversity Management Plan for the proposed development, in accordance with those already submitted, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The site shall be managed in accordance with the agreed plans. These plans shall cover a period of at least five years and shall include details of arrangements for Yellowhammer mitigation and all other mitigation including the arrangements for implementation of same.

Landscape planting shall utilise native species of local origin, reflecting those species naturally occurring in the locality.

Reason: To ensure the preservation and protection of flora and fauna within the site and provide for the satisfactory future maintenance of this development in the interest of visual amenity.

11. Prior to the commencement of development, details of CCTV cameras shall be submitted to the planning authority for written agreement. These shall be

fixed and angled to face into the site and shall not be directed towards adjoining property or roads.

Reason: In the interest of clarity, of visual and residential amenity.

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

Reason: To ensure satisfactory reinstatement of the site.

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

Adrian Ormsby

Senior Planning Inspector

24th of December 2024

14.0 Appendix 1- Form 1 EIA Pre-Screening

| | | | |
|--|-------------------------------------|--|--|
| An Bord Pleanála Case Reference | | ABP-320738-24 | |
| Proposed Development Summary | | 220kV 'Loop in' Substation, Battery Energy Storage System, overhead lines, Underground Grid Connection, overhead lines and associated works etc | |
| Development Address | | Mulhussey, Batterstown, Longtown, Mullagh & Milltown Townlands, Kilcock, Co. Meath | |
| 1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings) | | | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)? | | | |
| Yes | <input checked="" type="checkbox"/> | State the Class here Part 1- <ul style="list-style-type: none"> Class 20- Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres | <input checked="" type="checkbox"/> |
| No | <input checked="" type="checkbox"/> | Part 2- <ul style="list-style-type: none"> Class 1 (a) 'restructuring of rural land holdings'- c. 12m of existing hedgerow to be removed for works to existing entrance to achieve sightlines. Other hedgerow to be retained at 1m height. I do not consider this comes within the meaning of 'restructuring of rural land holdings'. Class 3a- Industrial installations for the production of electricity, steam and hot water..... The proposal is not for production of electricity, steam and hot water. Class 3b Industrial installations for....transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more. The application proposes 140m of 220kV overhead lines. Class 10 Infrastructure Projects (dd) All private roads which would exceed 2000 metres in length. The application proposes 430m of access tracks that does not come within the meaning of private road Class 13c Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be | <input checked="" type="checkbox"/> |

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| | | <p>likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7. The removal and replacement of existing pylon is not considered 'demolition of structures' and would not be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.</p> <ul style="list-style-type: none"> Class 14 Works of Demolition carried out in order to facilitate a project listed in Part 1 or Part 2 of this Schedule where such works would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7. As per class 13c | |
| 3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class? | | | |
| Yes | Tick/or leave blank | State the relevant threshold here for the Class of development. | EIA Mandatory EIAR required |
| No | ✓ | | Proceed to Q4 |
| 4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]? | | | |
| Yes | ✓ | <p>Part 1-</p> <ul style="list-style-type: none"> Class 20- Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres Application proposes c.140m OHL in length | Preliminary examination required (Form 2) |
| 5. Has Schedule 7A information been submitted? | | | |
| No | Tick/or leave blank | Screening determination remains as above (Q1 to Q4) | |
| Yes | ✓ | Screening Determination required- See form 3 Supersedes requirement for preliminary examination in Q4. | |

Inspector _____ Date: _____

15.0 Appendix 2- Form 3 EIA Screening Determination

| A. CASE DETAILS | | |
|--|---|---|
| An Bord Pleanála Case Reference | ABP-320738-24 | |
| Development Summary | 220kV 'Loop in' Substation, Battery Energy Storage System, overhead lines, Underground Grid Connection, overhead lines and associated works etc | |
| | Yes / No / N/A | Comment (if relevant) |
| 1. Was a Screening Determination carried out by the PA? | N/A | |
| 2. Has Schedule 7A information been submitted? | Yes | <p>The applicants have stated in section 5 of their EIA Screening Report (SR)-</p> <p><i>“Information pertaining to Schedule 7A of the 2001 Regulations is provided herein but is also further supplemented by the Planning Statement incorporating Environmental Considerations (May 2024), the associated environmental reports and the planning application drawings submitted with this SID application.”</i></p> |
| 3. Has an AA screening report or NIS been submitted? | Yes | <p>The NIS conclusion states-</p> <p><i>“.....on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.5, that the possibility of any</i></p> |

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| | | <i>adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt."</i> | |
| 5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA | Yes | Volume 4 Meath County Development Plan 2021-2027 (CDP) including- <ul style="list-style-type: none"> • Strategic Environmental Assessment • Natura Impact Report • Strategic Flood Risk Assessment | |
| B. EXAMINATION | | Where relevant, briefly describe the characteristics of impacts (i.e. the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) | Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain |
| 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? | | The site is predominantly agricultural fields traversed by the existing Maynooth – Gorman 220kV overhead wires. | No |

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| | <p>The substation and BESS part of the proposal will be different in character to the existing agricultural setting but consistent to some extent with existing electrical infrastructure.</p> <p>In this context I do not consider the project significantly different in character or scale to the existing surrounding or environment.</p> | |
| <p>1.2 Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?</p> | <p>The existing site is an agricultural field</p> <p>The application site boundary is stated as 25.15 hectares.</p> <p>The proposal includes a substation and BESS compound of approx. 13,598 sq.m or c.1.36ha mainly located towards the eastern site boundary well set back from local roads. It is not intended the proposal will be decommissioned.</p> <p>The proposal will involve physical changes to the existing site but in the context of the application as proposed, the site size, existing electrical infrastructure and the wider locality these changes are not considered significant.</p> | No |
| <p>1.3 Will construction or operation of the project use natural resources such as land, soil, water,</p> | <p>The proposal will require use of land and typical materials for such projects.</p> | No |

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| materials/minerals or energy, especially resources which are non-renewable or in short supply? | These are not considered to be in short supply. | |
| 1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment? | <p>By its very nature the proposal involves electricity which can, if not managed responsibly, be harmful to human health and the environment.</p> <p>The proposal during construction will involve certain materials that could be harmful to human health or the environment.</p> <p>Subject to mitigation measures (e.g. as set out in Soil and Geology report and the CEMP) standard best practise measures, normal operating procedures and suitable planning conditions these effects are not considered significant or likely</p> | No |
| 1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances? | <p>Some of these may be generated during construction and operation but impacts are not considered significant subject to typical best practise construction methods, site management and planning conditions. Operational foul waste management includes holding tank and removal by licensed waste contractor.</p> | No |
| 1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or | A risk of contamination is typical at such sites during construction and operation. | No |

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| into surface waters, groundwater, coastal waters or the sea? | <p>The application proposes soakways and full retention separator with discharge to onsite existing drains, all surface water to be treated with no deleterious matter to be discharged to local surface waters.</p> <p>Subject to proposed mitigation measures including best practise construction methods, site management and planning conditions these risks are not likely or significant.</p> | |
| 1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation? | <p>There is potential for such impacts during both construction and operation, however subject to standard practise construction methods, site management and planning conditions these risks are not likely. Such risks are detailed within the documentation on file.</p> <p>The risk of electromagnetic radiation is not considered likely and compliance with same is not a matter for the planning code.</p> <p>Subject to measures proposed in the information submitted, standard best practise construction methods, site management and planning conditions these are not considered significant or likely.</p> | No |

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| 1.8 Will there be any risks to human health, for example due to water contamination or air pollution? | Such risks are not likely due to typical best practise construction methods, site management and planning conditions. | No |
| 1.9 Will there be any risk of major accidents that could affect human health or the environment? | There are always such risks but subject to proposed mitigation measures, typical best practise construction and operation methods, site management and planning conditions these risks are not significant or likely. | No |
| 1.10 Will the project affect the social environment (population, employment) | I don't consider the proposal will significantly impact the social environment. I note no public submissions were received. | No |
| 1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment? | <p>The proposal should be considered in association with the solar farm permitted under planning reference number 23/1144 and currently under appeal ABP-320755-24 which I have also reported on.</p> <p>Other developments as set out in section 5.0 of the main planning report and as detailed in the planning authority's submission (section 4.4), have been considered. Together they could all be considered to contribute to a wider large scale change that could result in a cumulative effect on the</p> | No |

| | | |
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| | <p>environment and in particular the landscape.</p> <p>However, having regard to the sites zoning objective and LCA's as discussed in section 9.4 of the main report and subject to best practise construction and operation methods, site management and planning conditions as well as those of the permitted solar farm I don't consider any such impacts to be significantly adverse.</p> | |
| 2. Location of proposed development | | |
| <p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan | <p>No. Proximity to European and national designations are generally set out in section 7.0 of the main report.</p> <p>The applicants have submitted their own NIS and in summary they found the possibility of adverse effects on the integrity of European Sites can be excluded beyond reasonable scientific doubt</p> <p>I have carried out my own AA Screening in section 10 of the main report and similarly find the proposal would not be likely to give rise to significant adverse effects.</p> | No |

| | | |
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| <p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?</p> | <p>Having considered the submitted documentation on file including EclA with surveys, the BMP, AA screening report & NIS and other information on the file and having regard to best practise construction and operation methods, good site management and planning conditions I do not consider the proposal will have significant affects in this regard.</p> | <p>No</p> |
| <p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p> | <p>I have considered the contents of the Archaeology & Cultural Heritage Reports on file as well as the report of the DAU on ABP-320755-24 (Solar Farm) which I have also reported on. I do not consider the proposal likely to have significant affects to the landscape, or historic, archaeological, or culturally importance features.</p> | <p>No</p> |
| <p>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?</p> | <p>On site drainage ditches discharge to the Jenkinstown Stream which is a tributary of the Rye Water Valley/Cartron SAC (001398). I have also considered the proximity of the Calgerth and Bryanstown Streams to the site.</p> <p>Subject to mitigation measures proposed, standard best practise construction methods, site</p> | <p>No</p> |

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| | management and planning conditions I am satisfied any resource detailed will not be significantly affected as a result of the proposed development. | |
| 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? | <p>I have noted the location of drainage ditches on and near the site.</p> <p>I have considered the contents of the CDP's Strategic Flood Risk Assessment and the Planning Authority's submission (section 4.5.3) as well the Site Specific Flood Risk Assessment submitted with ABP-320755-24 which I have also reported on. I do not consider the proposal will affect any water resources significantly in terms of volume and flood risk.</p> | No |
| 2.6 Is the location susceptible to subsidence, landslides or erosion? | I have not identified any evidence to suggest such susceptibility. | No |
| 2.7 Are there any key transport routes (e.g. National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project? | <p>The site is located well away from National Roads or Motorways.</p> <p>The applicants have submitted a 'Transport Management Plan (TMP)' which details intended traffic routing and access. See section 3.2 of TMP and Figure2.</p> <p>I also note the submissions of TII and the local authority.</p> <p>Subject to appropriate planning conditions the proposal will not have</p> | No |

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| | significant adverse impacts on the environment. | |
| 2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project? | <p>I note a number of one-off houses are located in the wider area. The Mulhussey Primary school is located c. 800m east of the site.</p> <p>Subject to appropriate planning conditions the proposal will not have significant adverse impacts on the environment.</p> | 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? | <p>The potential for cumulative construction impacts is considered.</p> <p>The Board should have particular regard to ABP-320755-24 (which I have also reported on) if determined before the subject application.</p> <p>Other developments as set out in section 5.0 of the main planning report and as detailed in the planning authority's submission (section 4.4), have been considered.</p> <p>The proposed development, solar farm and other development detailed could all be considered to contribute to a wider large scale change that could</p> | No |

| | | |
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| | <p>result in a cumulative effect on the environment and in particular the landscape.</p> <p>Subject to best practise construction methods, good site management and planning conditions including submission of a CEMP I do not consider there to be significant adverse impacts.</p> <p>Cumulative landscape and visual impacts with the solar farm and substation in particular, should be considered but in the context of the existing Maynooth – Gorman 220kV overhead transmission line that traverses the site and as discussed in section 9.4.</p> <p>Having considered the submitted LVIA, the site context and the sites location zoning objective and applicable LCA's and subject to appropriate planning conditions I do not consider the proposal likely to have significant cumulative adverse impacts on the environment.</p> <p>I have also considered Cultural Heritage impacts with regard to the Archaeology & Cultural Heritage Reports on file as well as the report of the DAU on ABP-320755-24. I do not consider cumulative impacts to be significant or likely.</p> <p>Cumulative operational impacts are not considered significant.</p> | |
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| 3.2 Transboundary Effects: Is the project likely to lead to transboundary effects? | The proposal is contained wholly in Meath and does not have potential for transboundary effects. | |
| 3.3 Are there any other relevant considerations? | No | No |
| C. CONCLUSION | | |
| No real likelihood of significant effects on the environment. | <div style="border: 1px solid black; text-align: center; width: 50px; height: 30px; margin: 0 auto;">X</div> | EIAR Not Required |
| Real likelihood of significant effects on the environment. | <div style="border: 1px solid black; width: 50px; height: 30px; margin: 0 auto;"></div> | |
| D. MAIN REASONS AND CONSIDERATIONS | | |
| <p>Having regard to-</p> <ul style="list-style-type: none"> • The nature and scale of the proposed development, which is not a class of development set out in Schedule 5, Parts 1 and 2 of the Planning and Development Regulations 2001, as amended; • The location of the proposed development and its proximity to existing electrical infrastructure; • The nature of the existing site and the pattern of existing and permitted development in the surrounding area; • The location of the development outside of any sensitive location specified in Article 109(4)(a)(v) of the Planning and Development Regulations 2001, as amended; • The guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003); • The criteria set out in Schedule 7 and 7A of the Planning and Development Regulations 2001, as revised, and; | | |

- The features and measures proposed by the applicant intended to avoid or prevent adverse effects on the environment, including measures identified in the submitted EIA Screening Report, the Natura Impact Statement and other reports on file

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore required.

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

16.0 Appendix 3- AA Screening Determination

16.1. Introduction

16.1.1. I have considered the proposed development involving a Substation and Battery Energy Storage System etc. and ancillary works in light of the requirements of S177U of the Planning and Development Act 2000 as amended. An AA Screening Report (AASR) and Natura Impact Statement (NIS) have been submitted by the applicants (Appendix V). These reports have been prepared by Moore Group Environmental Services and are both dated 01/05/2024.

16.1.2. The AASR concludes-

“In the absence of mitigation measures during construction to control potential pollution of surface water, the potential effect on the Rye Water Valley/Cartron SAC is uncertain.

Therefore, it cannot be excluded, on the basis of objective information, that the Proposed Development, individually or in combination with other plans or projects, beyond reasonable scientific doubt, will have a significant effect on a European site.

Thus, in line with Departmental Guidance and having regard to ECJ and Irish case law and the ‘Precautionary Principle’, Stage 2 AA is required.”

16.2. Description of the Project

16.2.1. The subject site is an existing agricultural field located in the townlands of Mulhussey & Kilclone, Co. Meath c. 4.5km northeast of Kilcock and c. 9.3km southwest of Dunshaughlin on a local road c. 1km east of the R125 Regional Road. A number of drainage ditches exist on site draining to the NE of the site towards the Jenkinstown stream located outside the site but close to its western boundary. The site is traversed from a north to south direction by the existing Maynooth – Gorman overhead line i.e. the National Grid.

16.2.2. The proposed development, as described in section 3.0 of this report, in section 3 of the applicant’s ‘Screening for Appropriate Assessment’ (AASR). In general it

comprises an Electrical Substation and Battery Energy Storage System with both under and over ground grid connections within the site.

- 16.2.3. Wastewater will be collected on site in a sealed tank and removed off-site as required by a licensed waste collector.
- 16.2.4. A Screening Report (SR) for EIA has been submitted with the application. This report includes EIA Screening which addresses a number of environmental factors typical to the EIA Directive. The report concludes that the proposed development will not result in any significant effects on the environment.
- 16.2.5. An Ecological Impact Assessment (EcIA) has also been submitted with the application and describes the site as “existing arable farmland”. It further describes Habitats in accordance with Fossitt 2000 in section 4.2. The following habitats were recorded- Arable Crops BC1, Hedgerow WL1, Scrub WS1 and Drainage Ditches FW4 and these are presented on a Habitats Map shown in Figure 5 of the EcIA. This description is consistent with my observations on site.

16.3. Potential impact mechanisms from the project

- 16.3.1. The proposed development is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on any European sites.
- 16.3.2. The proposed development is examined in relation to any possible interaction with European sites, i.e. designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.
- 16.3.3. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following mechanisms are considered for examination in terms of implications for likely significant effects on European sites:
- Surface water or groundwater pollution or contamination from silt, chemicals, oils, hydrocarbons, etc. during construction resulting in changes to environmental conditions such as water quality/ habitat degradation
 - Surface water or groundwater pollution arising during the operational stage

- Habitat disturbance /species disturbance during both construction and operational stages

16.4. European Sites at Risk

- 16.4.1. Section 4 of the Applicants details a zone of influence (Zol) was established to identify how the proposal could have significant effects on the Qualifying/Special Conservation Interests of a designated European site using the source- pathway-receptor framework. This is considered in accordance with the OPR Practice Note (2021), PN01.
- 16.4.2. The SR also details it is common practice to initially consider all Natura 2000 sites within a 15 km radius of the proposed project. While this may be the case the Board will note a 15km radius is no longer considered an appropriate basis to identify European sites. Instead, the application of the source-pathway-receptor model to determine connectivity is considered most appropriate²⁴ and this could include sites outside a 15km radius of the site.
- 16.4.3. Table 1 page 12 of the applicant's SR identifies three sites within the potential Zol-
- Rye Water Valley/Carnton SAC (001398) c. 6km to the SE
 - River Boyne and River Blackwater SAC (002299) c. 14km to NW
 - River Boyne and River Blackwater SPA (004232) c. 14km to NW
- 16.4.4. The SR then details the Jenkinstown Stream is a tributary of the Rye Water River and flows c. 50 m to the east of the site providing hydrological connectivity to the Rye Water Valley/Carnton SAC ca. 11.7 km (hydrological distance) downstream. The site is also considered to be within the same ground water body as the Rye Water Valley/Carnton SAC.
- 16.4.5. The SR details the River Boyne and River Blackwater SAC (002299) and SPA (004232) are not hydrologically connected to the site and can be screened out.
- 16.4.6. Using the Source Pathway Receptor Model and having considered the content of the SR, I consider the following designated European sites as set out in Table 1 below

²⁴ OPR Practice Note PN01 Appropriate Assessment Screening for Development Management

within the within a zone of influence of the proposed development i.e. there is an ecological connection or other pathway-

| Table 1: European Sites at risk from impacts of the proposed project | | | |
|--|--|-------------------------|--------------|
| European Site | Qualifying Interests (summary) | Distance | Connections |
| Rye Water Valley/Carton SAC (001398) | <ul style="list-style-type: none"> Narrow-mouthed Whorl Snail <i>Vertigo angustior</i> 1014 Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> 1016 Petrifying springs with tufa formation (<i>Cratoneurion</i>) 7220 | c. 6.2 km to south east | hydrological |

16.4.7. Having applied the Source-Pathway-Receptor Model, I do not consider there to be any significant ecological or hydrological connectivity with the-

- River Boyne and River Blackwater SAC (002299) located as close as c. 15km northwest of the site and the
- River Boyne and River Blackwater SPA (004232)) ranging from c. 21 km west of the site to c. 16.5km north of the site, located c. 15km and 21km to the south of the site.

Furthermore, given the nature of groundwater flow I do not consider significant ground water effects likely, given the distance between the site and the SAC.

16.5. Likely significant effects on the European sites 'alone'

| Table 2: Could the project undermine the conservation objectives 'alone' | | | | |
|--|----------------------------------|--|--|---|
| European Site and qualifying feature | Conservation objective (summary) | Could the conservation objectives be undermined (Y/N)? | | |
| | | Construction Surface and ground water pollution | Operational Surface and ground water pollution | Habitat disturbance /species disturbance (Construction and Operation) |

| | | | | |
|--|---|---|---|---|
| Rye Water Valley/Carlton SAC (001398) | https://www.npws.ie/protected-sites/sac/001398 | | | |
| Petrifying springs with tufa formation | <p>To restore the favourable conservation condition</p> <p>The conservation objective describes this as a <i>“dynamic habitat and one which is likely to be significantly impacted by any reduction in water supply”</i></p> <p>It also states- <i>“further unsurveyed areas may be present in the SAC”</i>.</p> | Y | N | N |
| Narrow-mouthed Whorl Snail | <p>To restore the favourable conservation condition</p> <p>The Status of EU Protected Habitats and Species in Ireland 2019 Article 17 report details all whorl snails favour damp or wet habitats, where they live mostly in moss, leaves and decaying vegetation.</p> <p>This specie is primarily distributed on the Atlantic facing dune systems but does occur in a variety of habitats including dune and coastal grassland, fen, marsh, saltmarsh and floodplains.</p> | Y | N | N |

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| | Habitats are easily modified by inappropriate grazing, changes in stocking type and the impact of wild herbivores, especially rabbits. Sand dune systems have been impacted by leisure activities – caravan sites and golf courses, mainly – and expansion of these activities has exerted significant pressure on some large sites. | | | |
| Desmoulin's Whorl Snail | <p>To maintain the favourable conservation condition</p> <p>The Status of EU Protected Habitats and Species in Ireland 2019 Article 17 report details</p> <p>All whorl snails favour damp or wet habitats, where they live mostly in moss, leaves and decaying vegetation</p> <p>The main pressures are associated with natural succession resulting in species composition change and drying out of the habitat.</p> | Y | N | N |

16.7.2. Having considered all of the above, including the Applicants submitted SR, I conclude that the proposed development could during construction and operation have a likely significant indirect effect 'alone' on-

- Petrifying springs with tufa formation
- Narrow-mouthed Whorl Snail

- Desmoulin's Whorl Snail

All of which are qualifying interests of the Rye Water Valley/Carton SAC (001398) from effects generally associated with surface water pollution.

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

16.8. Overall Conclusion - Screening Determination

16.8.1. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information. I conclude that the proposed development is likely to have a significant effect on the Rye Water Valley/Carton SAC (001398) from effects generally associated with surface water pollution during construction and operation. It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 as amended is required on the basis of the effects of the project 'alone'.

16.8.2. No measures intended to avoid or reduce harmful effects on European sites were considered in reaching this conclusion.

17.0 Appendix 4- Appropriate Assessment

17.1. Introduction

17.1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

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

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

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

17.3. The Natura Impact Statement

- 17.3.1. The application included a Natura Impact Statement by the Moore Group dated the 1st of May 2024, which examines and assesses potential adverse effects of the proposed development on the following European Site-

- the Rye Water Valley/Carnton SAC (001398)

- 17.3.2. The applicant's NIS concludes that-

"It is the conclusion of this NIS, on the basis of the best scientific knowledge available, and with the implementation of the mitigation and restriction measures set out under Section 3.5, that the possibility of any adverse effects on the integrity of the European Sites considered in this NIS (having regard to their conservation objectives), or on the integrity of any other European Sites (having regard to their conservation objectives,) arising from the proposed development, either alone or in combination with other plans or projects, can be excluded beyond reasonable scientific doubt."

- 17.3.3. Having reviewed the documents, submissions and all other information on file, I am satisfied that the information allows for a complete assessment of any adverse

effects of the development, on the conservation objectives of the following European sites alone, or in combination with other plans and projects:

- the Rye Water Valley/Cartron SAC (001398)

17.4. Appropriate Assessment of implications of the proposed development

17.4.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European sites using the best scientific knowledge in the field as presented 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.

17.4.2. The following Guidance was considered in my assessment:

- OPR (2021) Practice Note PN01 Appropriate Assessment Screening for Development Management
- 'The Status of EU Protected Habitats and Species in Ireland' (2019) Article 17 of the Habitats Directive.
- DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC].
- 'The Status of EU Protected Habitats and Species' in Ireland 2019 published as a report to the European Commission as required every 6 years under Article 17 of the Habitats Directive²⁵

²⁵ <https://www.npws.ie/publications/article-17-reports/article-17-reports-2019>

17.5. European Sites

17.5.1. The following sites are considered in this Appropriate Assessment:

- the Rye Water Valley/Carlton SAC (001398)

17.5.2. Drainage ditches within the site drain to the Jenkinstown stream located c.50metres from the western site boundary which then drains directly to the Rye Water Valley/Carlton SAC c 6km west of the site. The submitted NIS details the hydrological distance to be c. 11.7km.

17.5.3. Section 3.3.2 and 3.3.3 of the Applicant's NIS considers potential indirect impacts to this European Site in a worst case scenario leading to a significant detrimental change in water quality in the Rye Water River as a result of sedimentation/pollution, either alone or in combination with other projects or plans. This is further examined in section 3.4.2 of the NIS which details-

- changes may occur as a result of elevated suspended solids or negative effects from hydrocarbon spills or from cementitious water contamination
- sediment can carry nutrients,
- suspended solids can smother and change water chemistry negatively,
- cement and hydrocarbons are toxic in freshwater and can result in faunal mortality and can change water chemistry.

17.5.4. Having considered all of the above, I am satisfied the proposed development will not have any 'direct' effects on the qualifying interests of the SAC. I am satisfied the only potential effects are 'indirect' as described above and to the-

- Habitat (Annex 1)- Petrifying springs with tufa formation
- Species (Annex 2)-
 - Narrow-mouthed Whorl Snail and
 - Desmoulins Whorl Snail

all qualifying interests of the SAC.

17.6. Mitigation Measures

17.6.1. The NIS details the likelihood of impacts on the SAC because of perturbed water quality is low, they cannot be ruled out in the absence of mitigation measures

17.6.2. A series of mitigation measures in set out in section 3.5 of the NIS to avoid adverse effects on both European Sites. A summary assessment of these measures is provided in Table 1 below.

| Table 1: Summary of assessment of mitigation measures | | | |
|---|--|--|---|
| Mitigation Measures | Assessment | Implementation | Monitoring |
| Best practice construction management measures | | Applicant/Developer/ Contractor | Applicant/Developer/ Contractor |
| Construction and Environmental Management Plan (CEMP) ²⁶ The CEMP will be read and signed by the Contractor/Site Foreman and made available to the Local Authority. | Typical requirement for such developments. Measures to avoid Accidental spillages and contaminated runoff. Addresses adverse water quality, invasive species, disturbance and habitat degradation impacts. | Applicant/Contractor following agreement with Planning Authority. | Applicant/Contractor/ appointed Environmental Manager |
| Site Specific Measures- CIRIA Report C532 Control of Water Pollution from Construction Sites. | Appropriate site-specific measures including- on-site induction relating to operations adjacent to watercourses and the environmentally sensitive nature of the receiving environment downstream. Precautionary measures required, | Applicant/Developer/ Contractor The Contractor will establish site boundary markings to safeguard features of interest/value. The site manager/ foreman will be responsible for the prevention of pollution. | Applicant/Developer/ Contractor |

²⁶ A CEMP prepared by IE Consulting Ltd is submitted with the application and has been reviewed.

| | | | |
|--|---|---------------------------------|---------------------------------|
| | <p>Construction management measures to be implemented</p> <p>Focus on the CIRIA Guidance</p> <p>The Contractor will establish site boundary markings to safeguard features of interest/value.</p> <p>Site personnel will be trained in the importance of preventing pollution.</p> <p>A record of this training will be maintained.</p> <p>Tools and equipment are not to be cleaned in watercourses.</p> <p>Chemicals used will be stored in sealed containers.</p> <p>Chemicals shall be applied in such a way as to avoid any spillage or leakage.</p> <p>Any and all excavated material is NOT to be temporarily stored adjacent to watercourses.</p> | | |
| Site Environmental Training and Awareness Procedures | Ensures the setting out the works includes full awareness of the ecological constraints and construction | Applicant/Developer/ Contractor | Applicant/Developer/ Contractor |

| | | | |
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| | <p>management requirements.</p> <p>Initial site environmental induction and ongoing training will be provided to communicate the main provisions of the CEMP to all site personnel.</p> | | |
| <p>Control of Surface Water-</p> <p>Prior to any works commencing, surface site drainage and silt control measures will be established.</p> <p>A silt barrier and a buffer zone will be employed to protect drainage ditches leading to the Jenkinstown Stream within the site boundary and where required outside to support protection of water quality.</p> <p>The measures shall comprise a primary silt fence system, adjacent staked straw bales, a minimum 1.5 m wide vegetation strip and a secondary silt fence system.</p> <p>The primary and secondary silt fence system shall comprise a 0.75 m high membrane with a void size of 180 m in accordance with ISO 11058.</p> <p>Pumped concrete will be monitored carefully to ensure no accidental discharge to water courses.</p> | <p>All key elements and typical of a CEMP.</p> | <p>CEMP to be agreed with Planning Authority</p> <p>Applicant/Developer/ Contractor</p> | <p>Applicant/Developer/ Contractor</p> |

| | | | |
|---|--|--|--|
| <p>Mixer washings or excess concrete will not be discharged to watercourses.</p> <p>Fuels, lubricants and hydraulic fluids for equipment used on the construction site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to best practice.</p> <p>Fuelling and lubrication of equipment will not be carried out close to water courses, a minimum distance of 15 m will be observed where practicable.</p> <p>Any spillage of fuels, lubricants or hydraulic oils will be immediately contained and the contaminated soil removed from the site and disposed of appropriately.</p> <p>Emergency spill kits will be available on site.</p> | | | |
|---|--|--|--|

17.7. In-Combination Effects

- 17.7.1. There is potential for adverse impacts as identified from the project alone and in combination with other plans and projects to undermine the conservation objectives of the Natura 2000 network.
- 17.7.2. Section 3.6 of the applicant's NIS discusses the potential for in-combination effects. It details a review of the National Planning Application Database was undertaken. The database was then queried for developments granted planning permission within 500 m of the proposed development within the last three years which are

presented in Table 2 of the NIS. These include a number of domestic type applications and an agricultural entrance. Generally, the table considers there is no potential for in-combination effects given the inclusion of best practice construction measures implemented through a CEMP.

17.7.3. Table 2 also includes the Blackhall Solar Farm 23/1444 currently under appeal ABP-320755-24 in which the NIS describes it as the parent application which the proposed development will serve. It details an EclA and NIS prepared by the same authors was submitted which determined that with the employment of mitigation measures with regard to water quality, bats and landscaping promotion, significant effects on biodiversity can be avoided. Thus avoiding the potential for cumulative effects

17.7.4. I have considered Table 2 of the applicants NIS as well as the developments identified in section 4 of this report and those as detailed by the Planning Authority in and summarised in section 6 of this report.

17.7.5. Overall likely in-combination effects can be described as those already identified for the proposed development 'alone' i.e. potential for indirect effects to water quality. Having considered the mitigation measures as proposed and subject to typical planning conditions, I am satisfied significant adverse in-combination effects to the Rye Water Valley/Carnton SAC (001398) is not likely.

17.8. Integrity Test

17.8.1. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Rye Water Valley/Carnton SAC (001398) in view of its Conservation Objectives.

17.9. Appropriate Assessment Conclusion

17.9.1. The development of the proposed Substation, Battery Energy Storage System and connections with ancillary infrastructure has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

- 17.9.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that the proposal may have a significant effect on the Rye Water Valley/Carton SAC (001398). 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.
- 17.9.3. 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 Rye Water Valley/Carton SAC (001398) or any other European site, in view of the sites' Conservation Objectives.
- 17.9.4. This conclusion is based on a full and detailed assessment of all aspects of the proposed development including proposed mitigation measures in relation to the Conservation Objectives of the European sites and an assessment of likely in-combination effects with other plans and projects. No reasonable scientific doubt remains as to the absence of adverse effects on the integrity of the European Sites.