



An  
Coimisiún  
Pleanála

## Inspector's Report ACP-322503-25

<b>Development</b>	10 year permission for a 110kV substation, grid connection and ancillary works
<b>Location</b>	Oldcourt, Edenderry, County Kildare ( <a href="http://www.oldcourtsid.ie">www.oldcourtsid.ie</a> )
<b>Planning Authority</b>	Kildare County Council
<b>Applicant(s)</b>	Oldcourt Energy Ltd
<b>Type of Application</b>	Application for Approval under Section 182A of the Planning and Development Act 2000 (as amended)
<b>Prescribed Bodies</b>	DAU (Development Applications Unit) Department of Housing, Local Government and Heritage Transport Infrastructure Ireland(TII) Kildare County Council
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	8 <sup>th</sup> October 2025
<b>Inspector</b>	Joe Bonner

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## 1.0 Introduction

- 1.1. An application has been made by Oldcourt Energy Ltd under the provisions of Section 182A of the Planning and Development Act 2000, as amended ('the Act'), for the development of a 110kV Air Insulated Substation, associated electrical plant and apparatus, 2 single storey buildings, access and access route, underground cabling and 2 no. proposed 16 metre high electrical end masts, that would connect to the existing east-west running Derryiron-Timahoe 110kV overhead line c650m south of the proposed site entrance from a local road, in the townland of Oldcourt, Edenderry, County Kildare.
- 1.2. The purpose of the proposed development is to connect a permitted solar farm (Oldcourt Solar Farm (P.A. Reg. Ref. 22/327) to the national grid via the existing Derryiron-Timahoe 110kV line. The proposed development was the subject of pre-application consultation (ABP-319140-24), on foot of which the Coimisiún determined, on the 19<sup>th</sup> of July 2024, that the proposed development of a C-Type AIS 110kv substation and underground cable looping in the existing Derryiron-Timahoe 110Kv circuit would constitute Strategic Infrastructure Development and that an application must be made directly to the Coimisiún.

## 2.0 Site Location and Description

### 2.1. Site Location

- 2.1.1. The application site, is located in the townland of Oldcourt, in north west Kildare, c2km east of the western edge of Edenderry, Co Offaly, where the route of the River Boyne marks the border between counties Kildare and Offaly. The rural village of Carbury, Co Kildare, is located c2.5km to the east of the site.

### 2.2. Site Description

- 2.2.1. The overall site is stated to be 11.41ha and is located in a relatively flat rural area and lies within the boundary of the permitted solar farm. The proposed substation would be located c730m south of the proposed vehicular entrance from the L-5019 local road, which will also serve as the access to the permitted solar farm. While the access has already been granted permission as part of the solar farm, it also forms part of this application. The existing Derryiron-Timahoe 110KV line that the

development is to connect to, runs west to east through the site, c170m north of the proposed substation. The two proposed masts would be constructed along this line, c390m to 420m south of the proposed site entrance to the north.

- 2.2.2. The fields in the area are surrounded by hedgerows and trees as are the roadside boundaries. Edenderry Golf Club is located c1.15km to the west of the proposed substation while Highfield Golf Club and FootGolf Kildare and lodges are located c 750m to the northwest.
- 2.2.3. The nearest house to the proposed substation is located c500m east of the site, while the permitted solar panels would be located between that house and the proposed substation. Oldcourt House, a protected structure, lies c270m north west of the closest of the two proposed masts, and c550m from the proposed substation. The nearest houses to the south of the substation are c850m away, while houses located along the public road to the north, close to where the access is to be constructed, would be between 620m and 720m from the substation and c370m from the masts.
- 2.2.4. A drainage ditch runs north to south along the eastern side of the proposed site and in turn joins the River Boyne c2.25km to the south of the site.
- 2.2.5. The permitted solar farm extends c940m to the west, c740m to the northeast and c1.4km to the south-west of the proposed substation.

### **3.0 Proposed Development**

- 3.1. The proposed development will comprise the provision of a permanent 110kV loop-in on-site electrical substation, adjacent to the permitted Oldcourt solar farm (P.A. Reg Ref. 22/327) and directly enable the operation of the consented Solar Farm by facilitating its connection to the national electricity grid.
- 3.2. The proposed development will consist of a 10 year permission for:
  - Construction of new 110kV Air Insulated Substation and IPP compound circa 12,711m<sup>2</sup> surrounded by a 2.6m high palisade fence with property boundary post and rail fence.

- EirGrid compound will be approximately 101m x 92m and will comprise of the Single storey 437.5m<sup>2</sup> 110kV control building and all associated 110kV electrical infrastructure.
- Construction of new IPP compound which will be approximately 32.8m x 109.2m and will comprise of a Single storey 216.4m<sup>2</sup> customer IPP building incorporating a control room, switch gear room and all associated electrical infrastructure.
- Approximately 500m of double circuit 110kV underground cable and 2 new steel line cable interface masts to connect to the existing overhead line OHL.
- The proposed UGC (underground cable) will consist of 2 No. trenches with a minimum of 2.3m separation distance between each circuit. Each trench will contain 3 No. 160mm diameter HDPE power cable ducts and 3 No. 125mm diameter HDPE communications duct to be installed in an excavated trench, typically 825mm wide by 1,315mm deep.
- Provision of vehicular construction and operational entrance and access track.
- Construction of a new culvert within the proposed access road to facilitate the 2 No. circuits of 110kV UGC.
- Construction of a new culvert to allow the construction of access roads to the new substation and IPP compounds.
- Temporary construction compound.
- Surface water drainage and water services.
- Site reprofiling, restoration and landscaping.
- Security fencing, external parking, lightning protection, CCTV, security lighting and all ancillary site works.
- Upgrade and widening of existing field access to facilitate the transformer and associated electrical infrastructure for the substation.
- All associated site development works.

### **3.3. Documentation Submitted**

3.3.1. In addition to the application form, public notices and letters to relevant prescribed bodies, the application is accompanied by the following:

- A Screening for Appropriate Assessment and a Natura Impact Statement.
- A Planning and Environmental Report that addresses the following:
  - 1: Introduction
  - 2: Development Description.
  - 3: Planning policy context.
  - 4: Biodiversity.
  - 5: Soils and geology
  - 6: Hydrology
  - 7: Cultural heritage.
  - 8: Noise.
  - 9: Landscape and visual assessment.
  - 10: Traffic and transport.
- The Planning and Environmental Report is accompanied by the following appendices:
  - Appendix A: Consented Oldcourt Solar Farm Grant of Planning Permission
  - Appendix B: SID Determination from An Bord Pleanála
  - Appendix C: Landscape Management Plan (LMP)
  - Appendix D: Construction and Environmental Management Plan (CEMP)
  - Appendix E: Outline Construction Methodology
  - Appendix F: Flood Risk Assessment (Solar Farm)
  - Appendix G: Planning Search
  - Appendix H: Badger Survey and Bat Roost Evaluation
  - Appendix I: Water Pollution Prevention

- Appendix J: Surface Water Management Plan
- Appendix K: Site Layout and Noise Measurement Positions
- Appendix L: Noise Modelling Set-Up
- Appendix M: Noise Maps
- Appendix N Zone of Theoretical Visibility Map
- Appendix O: Landscape and Visual Assessment Photomontages

3.3.2. The application also includes 20 drawings and a letter of consent from the landowner.

## 4.0 Submissions/Observations

### 4.1. Prescribed Bodies

4.1.1. Details of the application were circulated to the following prescribed bodies:

- Minister for Housing, Planning and Local Government
- Minister for Environment, Climate and Communications
- Kildare County Council
- Transport Infrastructure Ireland (TII)
- An Taisce
- Heritage Council
- Commission for Regulation of Utilities, Water and Energy
- Fáilte Ireland
- Uisce Éireann
- An Chomhairle Ealaíon
- Inland Fisheries Ireland

A total of three submissions were received from prescribed bodies, as follows:

## **4.2. Planning Authority – Kildare County Council (KCC)**

- 4.2.1. The executive summary at the start of the Chief Executive’s report states that ‘having considered all aspects of the proposed development, it is considered that the proposed development is in accordance with the Kildare County Development Plan 2023-2029 and that the effects on the environment have been adequately assessed in the EIAR and NIS submitted with the application’.
- 4.2.2. The structure of the planning authority report is set out below as per its submission:
- 4.2.3. Part 1 – ‘Introduction and purpose of Report’ - matters that will be addressed include those identified in the Coimisiún’s Guidelines for Planning Authorities in respect of Strategic Infrastructure Developments and matters specified in Section 34(2) of the Planning and Development Act 2000 (as amended).
- 4.2.4. Part 2 – ‘Site Location and Project Description’, describes the site context including that a protected structure lies close to the site (Oldcourt House B08-14). It notes that the estimated construction period would be 14 months.
- 4.2.5. Part 3 – Policy Context and Guidance’ sets out the international, European, national, regional and local planning policies sets out the policy context, which is reflected in Section 7 below of this report.
- 4.2.6. Part 4 – Planning History refers to the permission granted for the solar farm (see section 6 below) and a 2021 pre-application meeting with the planning authority.
- 4.2.7. Part 5 – Internal Reports Summary

### Transportation Department

Concern were raised regarding:

- The cumulative impact to traffic on the local road network of the proposal, the overall proposal under Reg. Ref. 22/327 and any other active or future construction sites in the vicinity of the development.
- Unsuitability of the proposal on the haul routes including, requirement for passing bays, hedge trimming and road closures. Recommended further assessments in order to determine the suitability of the L-5019 for Heavy Goods Vehicles (HGVs), a road safety audit and reinstatement should works be required.

- Sight lines at entrance, surface water runoff discharging onto the public road, location of car parking and wheel wash facilities
- Proposals for engagement with the local residents, businesses and schools in the vicinity.

They also proposed conditions (see 4.2.14 and planning assessment Section 7.0).

#### Water Services Department

- No objection subject to conditions (see 4.2.15 and planning assessment).

#### Environmental Department

- No objection subject to conditions (see 4.2.12 and planning assessment).

#### Heritage, Biodiversity and Conservation Unit

- Heritage Officer recommended a tree survey specific to Oldcourt House should be furnished detailing condition of trees with recommendations for augmenting planting to maintain the visual separation between the development and the protected structure.
- Heritage Officer recommends an archaeological assessment of the site be undertaken. (see 4.2.11 and planning assessment)
- County Ecologist is satisfied with the conclusion of the AA Screening and NIS that there will be no adverse impact to any European Site as a result of the proposed works provided the mitigations as outlined in the NIS report are implemented as described.
- Ecologist is also satisfied in the main with the findings of no significant impact to species or habitats as outlined in the Environmental Report but would recommend an additional summer bat survey to be included for completeness and an assessment of any potential impact to bats and to ensure no deleterious impact to bats in the general locality.
- Ecologist recommends same conditions be attached as in P.A. Ref. 22/327.

#### Chief Fire Officer

- No objection subject to compliance with Building Control Act. (see 4.2.13).

#### 4.2.8. Part 6 – Planning Authority View

- Is supportive of the proposed development, having regard to the objectives of the County Development plan, national, regional and local policy, the nature scale and extent of the proposed development, the previous grant of permission for the solar farm, details regarding appropriate assessment and the absence of significant effects on European Site, and the distance to dwellings or other sensitive receptors.
- Subject to the conditions proposed by the various internal council departments, the development would:
  - Not have a visual impact on the surrounding area including scenic view no. 26 subject to landscape mitigation measures;
  - Not have an impact on Oldcourt House (RPS no. B08-14) as the protected structure is not included within the redline boundary;
  - Not have an impact on traffic in the area as detailed in the grant of permission under reg. ref. 22/327 (the permitted solar farm);
  - Not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage;
  - Not seriously injure the visual and residential amenities of the area;
  - Not have an unacceptable impact on the ecology;
  - Be acceptable in terms of public health and traffic safety;

4.2.9. Part 7 – Conditions

The planning authority set out a number of general conditions, followed by conditions proposed by the various internal departments, some in full as proposed in the various internal department reports, and others amended by the planning authority. These conditions are summarised below.

4.2.10. General conditions

No	Summary of Proposed Conditions
1	Development shall be carried out and completed in accordance with the plans and particulars lodged, unless otherwise required

<b>2</b>	All environmental, construction and ecological mitigation measures in the NIS, and other particulars submitted shall be implemented in full.
<b>3</b>	Permission will have a 10-year duration.
<b>4</b>	'Landscape Management Plan' (Appendix C) to be implemented in full.

#### 4.2.11. Heritage

<b>No</b>	<b>Summary of Proposed Condition</b>
<b>1</b>	Engage a suitably qualified archaeologist to archaeologically assess the site under licence, including test trenches, and prepared a final report.

#### 4.2.12. Environment conditions

<b>No</b>	<b>Summary of Proposed Conditions</b>
<b>1</b>	Bunded Storage tanks
<b>2</b>	Construction and Demolition Resource Waste Management Plan (RWMP)
<b>3</b>	Submit proposal for Wastewater Management
<b>4</b>	Construction noise at noise sensitive locations not to give rise to sound pressure levels (Leq 15 minutes) that exceed 70 dB(A) (LAeq 1 hour) during work hours and 45 dB(A) (LAeq 1 hour) at all other times.
<b>5</b>	Operational noise not to give rise to sound pressure levels (Leq 15 minutes) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time.  No clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location.  A detailed Noise Study, to be carried out within three months of the development being in full operation and at any other time as may be specified by Kildare Co. Council
<b>6</b>	Best practice to minimise construction and operational noise and dust.
<b>7</b>	Surface water from carpark to pass through an interceptor before discharge.

<b>8</b>	Importation of waste Soil & Stone for landraising or landscaping requires prior authorisation under Section 39 of the Waste Management 1996,
<b>9</b>	Soil and Geology mitigation measures from section 5.5 of Planning and Environmental Report (PER) to be implemented.
<b>10</b>	Hydrology mitigation measures from section 6.18 & 6.19 of PER to be implemented.
<b>11</b>	Noise mitigation measures from section 8.20 of PER to be implemented.
<b>12</b>	Mitigation measures from sections 3.2 and 3.3 of NIS to be implemented.

#### 4.2.13. Fire Service

<b>No</b>	<b>Summary of Proposed Condition</b>
<b>1</b>	Applicant to obtain Fire Safety Certificates required by Building Control Act

#### 4.2.14. Transportation conditions

<b>No</b>	<b>Summary of Proposed Conditions</b>
<b>1</b>	Submit a Traffic Impact Assessment (TIA) and Traffic Management Plan, taking account of P.A. Ref. 22/237 and other active/future site i.e. quarries
<b>2</b>	Submit a program/schedule of works for this and other applications, including 22/327.  Transportation department requires construction of these applications be carried out separately to reduce the effects of construction traffic on the surrounding road network.
<b>3</b>	Submit drawings of passing bays on haul routes and letters of consent from relevant landowners.
<b>4</b>	The structural integrity of the L-5019 local road and its unsuitability as an access route for 16.5 metres long Heavy Goods Vehicles (HGVs) which may lead to a structural deterioration of the narrow local road. Prior to commencement of development the developer is requested to provide a structural and condition assessment of this section of the L-5019 local road.

	The developer is also requested to address and replace the unbound surfaces at the proposed vehicular entrance and vehicular turning circle on the L-5019 local road with a bound surface and indicate this on a site layout plan at a scale of 1 :250. (Full condition)
<b>5</b>	Provide details of surface water runoff at the entrance from L-5019 including levels and falls.
<b>6</b>	No surface water to discharge to the public road.
<b>7</b>	Sightlines not adequate. Need to be 150m from the entrance onto L-5019.
<b>8</b>	Submit details of warning signage on haul routes.
<b>9</b>	Submit plan of carparking and wheelwash facilities.
<b>10</b>	Confirm all works on roads to accommodate abnormal load delivery (sign, shrub and public lighting removal and hardcore) to be reinstated post construction.
<b>11</b>	Submit letters from landowners confirming agreement to any hedge trimming to facilitate abnormal load delivery.
<b>12</b>	Submit a drawing for approval, showing road closures and road diversion routes for proposed substation construction.
<b>13</b>	Carry out and submit details of independent Road Safety Audit, Stage 1/2 for all proposed haul routes.
<b>14</b>	Submit a plan detailing how engagement and liaison with local residents, businesses and schools will be established, to keep them informed of impending disruption to traffic flow in the area.
<b>15</b>	No queuing of delivery trucks shall take place on the L5019.
<b>16</b>	No spoil, dirt, debris or other materials shall be deposited on the public road or verge.
<b>17</b>	Provide full design details and specifications of lighting system, necessary to serve the development during works at dusk or dawn in wintertime. Examine public lighting 100m either side of the entrance.

<b>18</b>	Developer shall comply with any future requirements of the planning authority in relation to adjusting floodlights or fitting appropriate additional louvers, to deal with remaining glare issues that may arise for road users/ nearby residents/ rural habitat and may only become apparent when the installation is commissioned.
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#### 4.2.15. Water Services conditions

<b>No</b>	<b>Summary of Proposed Conditions</b>
<b>1</b>	The surface water drainage system shall incorporate appropriate SuDS, with an allowance of +30% in order to cater for climate change.
<b>2</b>	Fully implement SUDS strategy in 'Surface Water Management Plan'.
<b>3</b>	Scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution to be submitted and approved.
<b>4</b>	Applicant responsible for repairing and reinstating any SuDS failures.
<b>5</b>	It's unclear if Kishawanny Upper watercourse is to be culverted to facilitate access road. Clarify this and if necessary, submit written consent from the (OPW) which states the applicant has obtained Section 50 approval for the installation of any such culvert under the Arterial Drainage Act 1945
<b>6</b>	Only clean uncontaminated surface water from the development shall be discharged to the surface water system  Only foul sewage and soiled water from the development shall be discharged to the foul system.

#### 4.2.16. Financial Contributions

<b>No</b>	<b>Summary of Proposed Conditions</b>
<b>1</b>	A bond to be agreed and lodged prior to commencement of development.
<b>2</b>	Development Contribution payable in accordance with Contribution Scheme made under Section 48 of the PDA.

4.2.17. Appendix 1 – Internal reports of Kildare County Council

- These are reflected in the comments and proposed conditions set out above.

4.2.18. Appendix 2 – Minutes of Clane/Maynooth MC information briefing

- Having been briefed of the SID process and the nature and extent of the proposed development, being infrastructure associated with the permitted solar farm, the elected members sought clarification as set out below:

- Cllr Tim Durkan - noted refusals had issued for two other solar farms and while this application is not about the solar farm, asked if Kildare County Council had any concerns similar to those raised in the refusals. In response, the Senior Executive Planner, noted that different impacts/proposals for those other solar farms specific to the areas involved, caused them to be refused, while this application relates to an already permitted solar farm.
- Cllr William Durkan - asked if there was any battery storage involved and what Health and Safety measures had been put in place and also asked regarding the - indication of volume of construction traffic. The SEP responded that there would be no battery storage, that standard conditions had been attached to the solar farm application and that the roads/area engineers teams were satisfied regarding the road and road usage subject to planning conditions.
- Cllr Pdraig McEvoy – was advised that the Landscape Character Assessment review had not been adopted and the permitted solar farm was assessed as per the landscape provisions of the Kildare Country Development plan at that time. Cllr McEvoy was also advised that the Coimisiún would rely upon the landscape character policies and objectives contained within the current Kildare County Development Plan when considering the application. Cllr McEvoy was advised that his comments on the ongoing review of the LCA would be in the minutes sent to An Coimisiún Pleanála.

4.2.19. Appendix 3 – Elected Members Comments / Submissions

- No comments included.

### **4.3. DAU (Development Applications Unit) Department of Housing, Local Government and Heritage**

4.3.1. The applicant's desk-based Archaeological Impact Assessment (AIA) noted that there is potential for previously unknown, sub-surface archaeological features or deposits to be present within the site which could be directly impacted. The assessment is based on walk over survey only and no archaeological Geophysical Survey or Archaeological Test Excavation was carried out.

4.3.2. It recommends the attachment of conditions regarding:

- All archaeology and cultural heritage mitigation measures in the AIA to be implemented in full.
- Engage a suitably qualified Archaeologist to carry out pre-development Archaeological Geophysical Survey (AGS)(under licence) and pre-development Test Excavations based on the AGS and prepare and submit written reports to the National Monuments Service and Planning Authority.
- The Construction Environmental Management Plan (CEMP) shall include the location of any/all relevant archaeological and cultural heritage constraints as set out in the AIA, including mitigation measures to protect them.
- A final Archaeological Report to be submitted to the Planning Authority and Department describing results of archaeological monitoring and any excavations. All archaeological costs to be borne by the developer.

### **4.4. TII (Transport Infrastructure Ireland)**

- Has no observations on the application.

### **4.5. Third Party Submissions**

- No submissions received.

## **5.0 Applicant's Response to submissions**

5.1.1. The applicant was invited to respond to the submission received from 1) Kildare County Council; 2) The DAU; and 3) TII.

**5.2. Introduction and Background**

- 5.2.1. By way of introduction and background, the applicant notes the Kildare County Development Plan ‘places a strong focus on the need to upgrade transmission network infrastructure in order to provide enhanced capacity and facilitate the County’s future economic growth’ and KCC’s submission states ‘Having considered all aspects of the proposed development, it is considered that the proposed development is in accordance with the Kildare County Development Plan 2023-2029.’
- 5.2.2. The key elements of their responses are set out below.

**5.3. Applicant’s response to Kildare County Council (TCC)**

- 5.3.1. It notes that the planning authority supports the principle of the proposed development, for reasons, which are set out in paragraph 4.2.8 above.
- 5.3.2. It notes that no objections were expressed by 1) Water Services; 2) Environment Department and 3) Chief Fire Officer.

Ecologist

- 5.3.3. The KCC ecologist is satisfied with the conclusions of the AA screening and NIS that there will be no adverse impact to any European Sites.

Heritage Officer

- 5.3.4. The recommendation that an archaeological assessment be carried out is in line with the submitted documentation and submission from the DAU. The recommendation for pre-construction testing of the site is also consistent with condition 10 of the permitted solar farm.

Transportation Department

- 5.3.5. The concerns of the Transportation Department, (as set out in 4.2.7 above), were addressed in a table form setting out the issue, followed by a response:

Issue	Response
Cumulative traffic impact with P.A. Ref. 22/237	The construction phase of the solar farm and substation will be managed as one project and a

	Traffic Management Plan put in place to minimise effects on the local road network.
Further assessment needed of suitability of haul routes, passing bays, hedge trimming. Road Safety Audit and reinstatement works.	<p>Impacts are set out in section 10.5 of the Planning and Environmental Report (PER), with an average of 2.2 daily HGV trips (total 673 trips) over the 14 month construction period.</p> <p>10.8 of PER concludes that ‘After mitigation, the residual effects have been assessed as imperceptible/slight, negative and short-term in nature.’</p> <p>The proposed entrance is the same as the permitted solar farm. It was subject to Further information on that application regarding the condition of the L-5019, following which the roads department recommended a grant of permission.</p> <p>A traffic management plan will be implemented and any conditions requiring surveys and reinstatement works will be complied with.</p>
Surface water runoff discharging onto the public road	<p>The proposed entrance has already been permitted as part of the solar farm. Condition No. 19 of that grant addressed surface water management.</p> <p>The submitted Surface Water Management Plan (appendix J) states that surface water will be as per the requirements of Kildare County Development Plan and the Water Services Department.</p>
Lines of sight at the proposed entrance	90m sightlines can be achieved in each direction as shown in drawing 051065-DR-0020.
The location of car parking and wheel wash facilities	The mitigation measures in Section 10.7 of the PER states that ‘ <i>Wheel wash equipment will be</i>

	<p><i>used at the exit to the site on the access track near the temporary compound.</i></p> <p>Section 10.5 of the PER states that a parking facility for staff will be located within the temporary construction compound.</p>
Proposals for engagement with the local residents, businesses and schools in the vicinity.	<p>Section 3.10 of the outline CEMP in Appendix D of the PER addresses 'Traffic and Transport'. In relation to engagement it states that 'Prior to any works starting the contractor will inform neighbours in close proximity to the site of the nature of the works, proposed hours of work and their expected duration'. Traffic and Transport impacts were assess as minor, while no specific engagement mitigation measures were identified for businesses and schools in the vicinity. A Traffic Management Plan will be prepared for the construction phase of the development.</p>

### Conclusions

- 5.3.6. The applicant states that the conditions set out by KCC are standard conditions that the applicant would comply with if approval is granted. However, they considered some conditions to be excessive for the scale of the proposed development, while the council submission refers to a landfill, indicating some conditions may have been included in error. The specific conditions are set out below:

### Environmental Conditions

<b>Con</b>	<b>Applicant's Response</b>
<b>2</b>	There is no demolition included in the proposed development but a Waste Management Plan (WMP) will form part of the CEMP.

Transportation Conditions

<b>Con</b>	<b>Applicant's Response</b>
<b>1</b>	<p>Section 10 of the Planning and Environmental Report included a Traffic Assessment. A Planning Search was included in Appendix G of the PER which included details of the other projects in the vicinity of the Site, this was used to inform the assessments of the proposed development. There are no applications related to quarries in the vicinity.</p>
<b>2</b>	<p>A Traffic Management Plan will be prepared for the proposed development and the solar farm, which will likely be constructed as one project in order to improve efficiency and reduce transportation requirements (e.g. materials needed for both projects to be delivered with one vehicle), would reduce the overall construction time and impacts on sensitive receptors in the area, especially those related to traffic and transport, noise and dust.</p>
<b>3</b>	<p>It is not considered that any additional land consents are required for passing bays to accommodate traffic as this stage. A Traffic Management Plan will be prepared for the construction phase of the Proposed Development.</p>
<b>4</b>	<p>Any conditions related to structural surveys will be complied with. Condition 21 of the Permitted Solar Farm (22/327) states:</p> <p>“21. Prior to the commencement of development, the developer shall submit to the Planning Authority a photographic and condition survey of the L-5019 local road at the vehicular entrance and submit upgrade proposals for the L-5019 local road, as deemed required. Once the development has been completed, the Developer shall submit a post construction photographic and condition survey of the L-5019 local road to be compared to the pre-construction condition survey. Any damage to the L-5019 local road caused by the development shall be repaired by, and the costs of such repairs shall be borne by the Developer.”</p> <p>The applicant considered that this condition adequately covers the requirements to protect the local roads leading to the Site.</p>

<b>5</b>	The entrance to the Proposed Development is via the Permitted Oldcourt Solar Farm (Planning Reference 22/327) entrance. Planning conditions for the consented solar farm include conditions in regard to not permitting surface water to enter the public road from the site entrance.
<b>6</b>	The entrance to the Proposed Development is via the Permitted Oldcourt Solar Farm which includes conditions in regard to not permitting surface water to enter the public road from the site entrance.
<b>7</b>	Sight Lines of 90m can be provided as show on Drawing 051065-DR-002. The reclassification of speed limits for Local Roads reduces the speed limit of the L-5019 down to 60kmph. Traffic Management will be place at the site entrance during the construction phase. The provided 90m visibility splays is in accordance with the TII Geometric Design of Junctions DN-GEO-03060 for a 60km/h local road.
<b>8</b>	This can be provided.
<b>9</b>	This can be provided.
<b>10</b>	A Construction Traffic Management Plan (CTMP) will be in place.
<b>11</b>	All required consents are in place for the Proposed Development.
<b>12</b>	A CTMP will be in place.
<b>13</b>	A CTMP will be in place. It is not considered that a Road Safety Audit is required. The entrance is part of the Permitted Solar Farm (22/327) and is an existing entrance with sight lines of 90m in both directions.
<b>14</b>	The required liaison plan detail will be in the CTMP.
<b>15</b>	CTMP will include details of management of deliveries. Mitigation measures in relation to traffic and transport were in section 3.10 of the Outline CEMP.
<b>16</b>	This is addressed in the submitted CEMP. Development does not include a Landfill and the operational phase traffic for the substation will be minimal.
<b>17</b>	Construction stage lighting will comply with health and safety requirements.
<b>18</b>	Development is designed to conform with EirGrid standards and once commissioned, will be under its control (Transmission Service Operator).

#### Applicant's response to the DAU

- 5.3.7. The applicant will comply with the condition recommended by the DAU that requires a Geophysical Survey and Archaeological Test Excavation be carried out.

#### Applicant's response to TII

- 5.3.8. It is noted that TII had no observations on the application.

#### Conclusions

- 5.3.9. The Ecological Impact and Assessment and NIS clearly demonstrate that the proposed development will not have a significant negative effect on the environment, nor will it adversely impact the integrity of any European Sites alone or in combination with other projects, in light of their conservation objectives.
- 5.3.10. The proposed development will contribute to Ireland's indigenous renewable energy generation and delivery to the national grid and contribute to the government commitment to increasing the share of renewable electricity up to 80% by 2030 and targeting 8GW of solar energy by 2030.

## 6.0 Planning History

### 6.1. Subject Site

- **P.A. Reg. Ref. 22/327** – 10 year permission was GRANTED on the 11<sup>th</sup> of November 2022, to Obton Ltd for a 121.55ha solar PV Energy development, with an export capacity of 100MW and a 35 year operational live at Oldcourt (Carbury By), Kishawanny Upper, Coolavacoose, Coolcor and Carbury, Co. Kildare.
- **Pre-Application Request - ABP 319140-24** – on the 18<sup>th</sup> of July 2024, the Coimisiún determined that a proposed C-Type AIS 110 kV substation and grid connection which is comprised of an underground cable looping into the existing Derryiron - Timahoe 110 kV circuit and all associated site works.– would fall within the scope of Section 182A of the Planning & Development Act 2000 (as amended), would constitute Strategic Infrastructure Development, and that a planning application should be made directly to the Board.

## 7.0 Policy Context

### European Policy

#### 7.1. Paris Agreement 2015

- 7.1.1. The Paris Agreement is a legally binding international treaty requiring countries to take ambitious mitigation actions on climate change. Irelands contribution, through the EU, is a commitment to a 40% reduction in emissions by 2030 compared to 1990.

#### 7.2. Energy Roadmap 2050

- 7.2.1. Notes 'Transforming the energy system' will include a growing share of renewables.

#### 7.3. 2030 Climate and Energy Framework (October 2014)

- 7.3.1. The European Council endorsed EU-wide binding targets for the 2021 to 2030 period of 1) at least 40% less greenhouse gas emissions by 2030, compared to 1990; and 2) at least 27% renewable energy consumption in 2030.

#### 7.4. Regulation (EU) 2018/842

- 7.4.1. Ireland's binding greenhouse gas emission reduction target for 2030 in relation to 2005 levels is 30%, to comply with the Paris Agreement.

#### 7.5. European Green Deal 2020

- 7.5.1. Aims to make Europe climate neutral by 2050, by doubling the share of renewable energy in the energy mix by 2030, compared to 2020, to reach at least 40%.

#### 7.6. REPowerEU Plan 2022 and Directive EU 2018/2001 (RED II), as amended 18.05.2022

- 7.6.1. The REPowerEU Plan amended the RED II Directive, to require that 42.5% of energy is from renewable sources by 2030 (previously 32%).

#### 7.7. RED III (European Renewable Energy Directive (EU/2023/2413))

- 7.7.1. RED III sets a binding renewable energy target that by 2030, at least 42.5% of energy will come from renewable sources, but is aiming for 45%.

#### 7.8. EU Action Plan for Grids, November 2023

- 7.8.1. Recognises that electricity grids are critical for the clean energy transition. For the EU to bring renewable electricity to consumers and empower them to produce it, grids need to develop further and faster through faster permitting processes.

### **National Policy**

#### **7.9. Project Ireland 2040 - National Planning Framework, 2018 (updated April 2025)**

- 7.9.1. NSO No 8 seeks a 'Transition to a Carbon Neutral and Climate Resilient Society'. It states that Ireland will have a more renewables-focused energy generation system harnessing energy sources such as solar and that the accelerated delivery of additional renewable electricity generation is essential for Ireland to meet its climate targets, reduce its greenhouse gas emissions, and improve its energy security by reducing reliance on imported fossil fuels and diversifying its electricity supply. Overall, it is a green energy objective to deliver 80% of our electricity needs from renewable sources by 2030.
- 7.9.2. Chapter 9 'Climate Transition and Our Environment' states that the Framework can support the response to climate change through a variety of measures including through the accelerated roll out of on-shore wind energy and solar development. Under the heading of 'Renewable Electricity' the 'Government has set ambitious targets to achieve 8 GW of solar by 2030'.
- 7.9.3. National Policy Objective 30 seeks to 'Facilitate the development of the rural economy, in a manner consistent with the national climate objective, through supporting a sustainable and economically efficient agricultural and food sector, together with forestry, fishing and aquaculture, energy and extractive industries, the bio-economy and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting biodiversity and the natural landscape and built heritage which are vital to rural tourism.
- 7.9.4. National Policy Objective 70 seeks to 'Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050'.
- 7.9.5. National Policy Objective 71 seeks to 'Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development'.

## **7.10. National Development Plan 2021-2030**

7.10.1. The Government's investment strategy and budget up to 2030, commits to increasing the share of renewable energy up to 80% by 2030. NSO8 addressees the need for significant expansion and strengthening of the electricity transmission and distribution grid, including transmission cables and substations, to link renewable electricity generation to electricity consumers and to accommodate higher levels of renewables on the electricity system.

## **7.11. Climate Action and Low Carbon Development Act 2015 (as amended)**

7.11.1. The Act provides for the approval of plans by the Government in relation to climate change for the purpose of pursuing the transition to a low carbon, climate resilient and environmentally sustainable economy. It introduced five-year carbon budgets starting in 2021. The first two budgets commit Ireland to reducing emissions by 51% over a 12 year period to the 31st of December 2030. It also established sectoral emissions ceilings compared to 1990 levels, and a net zero target for 2050.

7.11.2. Section 15 (1) (as amended) provides that:

- A relevant body (a public body) shall, in so far as practicable, perform its functions in a manner consistent with —
  - The most recent approved a) climate action plan, b) national long term climate action strategy, c) national adaptation framework and approved sectoral adaptation plans,
  - d) the furtherance of the national climate objective, and
  - e) the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

## **7.12. Climate Action Plan 2024 (CAP 2024)**

7.12.1. Sectoral emissions ceilings approved by Government in July 2022 require a 75% reduction in emissions from electricity by 2030, based on 2018 levels. Central to achieving this goal is an increase in the share of renewable electricity to 80%, largely from solar and wind. Key 'Electricity' targets include delivery of up to 5 GW of Solar by 2025 and 8 GW by 2030. Large-scale deployment of renewables will be critical to decarbonising the power sector, and enabling electrification of other technologies.

7.12.2. CAP24 details the significant changes required to enhance the electricity grid's capacity and flexibility, to accommodate the expected significant upsurge in renewable energy, while ensuring the system's reliability and efficiency.

### **7.13. Climate Action Plan 2025 (CAP 2025)**

7.13.1. CAP 2025 builds upon CAP 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings, and it should be read in conjunction with CAP 2024. In chapter 3, it is noted that the response to the call for expert evidence referred to the importance of upgrading infrastructure, especially the electricity grid, to support the transition to clean energy. Consistent decreases in electricity generated emissions, including a 22% reduction from 2021 to 2023, is due to an increase in the share of renewable electricity generation. It noted that 7% of electricity generated in 2023 came from renewable sources other than wind, such as solar, hydro, and biomass. The electricity generation targets remain 5 GW of Solar by 2025 and 8 GW by 2030.

### **7.14. Ireland's Long-term Strategy on Greenhouse Gas Emissions Reduction (Climate Action Strategy - 2024)**

7.14.1. It states that 'To achieve the Emission Reduction Measures and Milestones to 2050, the core measures necessary to deliver a net zero emissions electricity sector by 2050 is to deliver significantly higher renewable power capacity mostly through onshore wind, offshore wind, and solar PV. To achieve the required increase in renewable electricity capacity, installation rates of wind and solar power will need to significantly accelerate'. Accelerating the deployment of wind and solar power will align with Ireland's EU commitments and support the RePowerEU Plan.

### **7.15. Second National Adaptation Framework (NAF) 2024**

7.15.1. An incremental approach to climate adaptation will be necessary. Electricity is identified as critical infrastructure. Ireland will need to implement adaptation measures by using energy sources and technologies that produce minimal environmental pollution and greenhouse gas emissions, thereby promoting a more sustainable and eco-friendly energy supply.

### **7.16. Sectoral Adaptation Plan for Electricity and Gas Networks (first edition 2019)**

7.16.1. Section 2.3 states that ‘electricity generation is fully open to competition in Ireland’, and that the diverse range of power generation assets that contribute to the energy mix, is an important factor in delivering energy security, reducing Ireland’s dependence on any one source.

#### **7.17. National Climate Objective**

7.17.1. The national climate objective is to achieve transition to a competitive, low-carbon, climate-resilient and environmentally sustainable economy by 2050.

#### **7.18. Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012**

7.18.1. The Government approved that it is appropriate for additional electricity transmission and distribution grid infrastructure to be permitted and developed in order to support the growth of renewable energy and to support security of electricity supply.

#### **7.19. Energy Security in Ireland to 2030, Energy Security Package (November 2023)**

7.19.1. The document includes 28 actions and focuses on achieving energy security through an electricity led system, which maximises our renewable energy potential. Action 11 seeks to ensure a fit-for-purpose electricity grid that supports Ireland’s energy and climate ambition, and it is noted that extensive reinforcement and expansion of the whole electricity transmission and distribution network will be critical to meeting our objective to decarbonise the economy through greater electrification.

#### **7.20. National Energy & Climate Plan 2021-2030 (NCEP) (July 2024)**

7.20.1. The decarbonisation objectives from renewable energy include 1) achieving a 34% share of renewable energy in energy consumption by 2030; 2) Increase electricity generated from renewable sources to 70%; and 3) provide up to 1.5 GW of grid scale solar energy, through streamlined consenting and connection arrangements.

#### **7.21. Irelands 4th National Biodiversity Action Plan (NBAP) 2023-2030**

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

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

7.22.1. Section 2.3 sets out 16 Regional Strategic Outcomes, including **RSO No. 9** ‘Support the Transition to Low Carbon and Clean Energy’, which seeks to ‘Pursue climate mitigation in line with global and national targets and harness the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon” economy by 2050.

7.22.2. The following Regional Policy Objectives are relevant:

- **RPO 4.84:** Support the rural economy and initiatives in relation to diversification, agri business, rural tourism and renewable energy so as to sustain the employment opportunities in rural areas.
- **RPO 10.20:** Support and facilitate the development of enhanced electricity and gas supplies, and associated networks, to serve the existing and future needs of the Region and facilitate new transmission infrastructure projects that might be brought forward in the lifetime of this Strategy. This Includes the delivery of the necessary integration of transmission network requirements to facilitate linkages of renewable energy proposals to the electricity and gas transmission grid in a sustainable and timely manner subject to appropriate environmental assessment and the planning process.
- **RPO 10.22:** Support the reinforcement and strengthening of the electricity transmission and distribution network to facilitate planned growth and transmission / distribution of a renewable energy focused generation across the major demand centres to support an island population of 8 million people, including:
  - facilitate the delivery of the necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.
  - support the safeguarding of strategic energy corridors from encroachment by other developments that could compromise the delivery of energy networks.

7.22.3. Section 10.3 'Energy' notes that 'A secure and resilient supply of energy is critical to a well-functioning region' and states that 'It is also necessary to ensure more geographically focused renewables investment to minimise the amount of additional grid investment required, for example through co-location of renewables and associated grid connections'.

### **7.23. Kildare County Development Plan 2023-2029**

7.23.1. The development Plan came into effect on the 28<sup>th</sup> of January 2023 and is the relevant plan for the purpose of this application.

7.23.2. Chapter 1 sets out the introduction and Strategic Context to the Plan and section 1.8.1 lists the 'Overarching Guiding Principles' to achieve the counties strategic vision, and includes the following:

(i) To develop a county that is resilient to climate change, plans for and adapts to climate change and flood risk, facilitates a low carbon future, supports energy efficiency and conservation, and enables the decarbonisation of our lifestyles and economy

(viii) To support, facilitate and promote the sustainable development of renewable energy sources in the county.

7.23.3. Chapter 7 'Energy & Communications' includes a series of subsections including section 7.4 'Renewable Energy', and the following relevant policies and objectives:

- **EC P2** - Promote renewable energy use generation and associated electricity grid infrastructure at appropriate locations within the built environment and open countryside to meet national objectives towards achieving a net zero carbon economy by 2050.
- **EC O2** - Adopt an informed and positive approach to renewable energy proposals, having regard to the proper planning and sustainable development of the area, including community, environmental and landscape impacts and impacts on protected or designated heritage areas / structures.
- **EC O3** - Support initiatives for limiting emissions of greenhouse gases through energy efficiency and the development of renewable energy sources which make use of the natural resources in an environmentally and socially acceptable manner.

- **EC O4** - Support infrastructural renewal and development of electricity and gas networks in the county, subject to safety and amenity requirements, subject to AA screening and where applicable, Stage 2 AA so as to ensure and protect the favourable status of European sites and their hydrological connections. Such developments will have regard for protected species and provide mitigation and monitoring where applicable.

7.23.4. The following policies and objectives from section 7.6 ‘Solar Energy’, state:

- **EC P5** - Promote the development of solar energy infrastructure in the County.
- **EC O17** - Support the building of integrated and commercial-scale solar projects at appropriate locations subject to a viability assessment and environmental safeguards including the protection of natural or built heritage features, biodiversity and views and prospects.
- **EC O21** - Support the provision of solar farms in appropriate locations in accordance with the criteria as set out in Section 7.6 of this Plan and environmental considerations such as the movement of qualifying interest species of European Sites. Projects shall provide mitigation and monitoring where applicable.

7.23.5. Section 7.6 also states that ‘Site selection is vital for potential solar farms as solar resource, topography and proximity to the grid must be considered’ and with respect to ‘Access to the grid’ for solar developments it states that ‘indicative details of the potential connection to the grid shall be provided with all planning applications.

7.23.6. The following policies and objectives from section 7.14 ‘Energy Supply and Infrastructure’ are relevant:

- **EC P19** - Support the development, reinforcement, renewal and expansion of the electricity transmission and distribution grid to provide for the future physical and economic development of Kildare. Such projects shall be subject to AA screening and where applicable, Stage 2 AA. The developments will have regard for protected species and provide mitigation and monitoring where applicable.
- **EC O64** - Support and safeguard the efficient and reliable supply of electricity to all homes and businesses in County Kildare.

- **EC O65** - Support the reinforcement and strengthening of the electricity transmission and distribution network, ..., to facilitate planned growth and transmission/distribution of a renewable energy focused generation, at appropriate locations and in consultation with relevant stakeholders, where they are adjacent and/or proximate to the grid network.
- **EC O66** - Facilitate the delivery of necessary integration of transmission network requirements to allow linkages of renewable energy proposals to the electricity transmission grid in a sustainable and timely manner.
- **EC O70** - Facilitate the development of grid reinforcements including grid connections ... .. subject to AA screening and where applicable, Stage 2 AA.

7.23.7. Map V1-13.1 of Chapter 13 'Landscape, Recreation & Amenity' illustrates that the site is located in the 'North West Lowlands', which has a landscape sensitivity of Class 1 'Low Sensitivity' on a scale of 1 to 5. Table 13.2 describes such areas as 'Areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area'.

7.23.8. Table 13.3.2 lists a series of project types and the type of compatibility that they would have with the North West Lowlands landscape. While electricity substation are not listed, both 'Major Powerlines' and 'Solar' development are deemed to have a high level of compatibility, which is the second most compatible of five levels of compatibility.

7.23.9. Table 13.4, titled 'Likely compatibility between a range of land-uses and Principal Landscape Areas' indicates that 'Solar' has a sensitivity of 2 (on a six scale table of 0-5, with 0 being least compatible and 5 being most compatible). This means it is compatible with scenic routes and scenic views 'in certain circumstances'. 'Major power lines' have a rating of 3, which is less sensitive than solar and is deemed 'Likely to be compatible with great care'. The sensitivities refer to a proximity of 300m from the 'Principal Landscape Sensitivity Factors'. No issue -address in assessment

7.23.10. Table 13.5 describes protected views including No 26, which is described as 'Views from the county roads (L1005, L5019, L5018, L1006, L5017 and L5011) of Carbury Castle and Hill – Teelough road junction with the R402 and upland area at Mylerstown'. The location is listed as 'Haggard, Calfstown, Mylerstown, Knockcor, Carbury, Coolcor, Ardkill, Balrinnet, Ballinderry, Nurney, Williamstown, Windmill and

Freagh. This scenic route is illustrated in Map Ref. V1-13.3 and is located c1.05km north east of the eastern end of the proposed substation.

7.23.11. Carbury Hill, located c2.25km to the east of the proposed substation is listed as one of the hilltop views in Table 13.6.

7.23.12. The following policies and objectives from Chapter 13 are relevant:

- **LR P1** - Protect and enhance the county's landscape, by ensuring that development retains, protects and, where necessary, enhances the appearance and character of the existing local landscape.
- **LR O1** - Ensure that consideration of landscape sensitivity is an important factor in determining development uses. In areas of high landscape sensitivity, the design, type and the choice of location of the proposed development in the landscape will be critical considerations.
- **LR O2** - Require a Landscape/Visual Impact Assessment to accompany proposals that are likely to significantly affect:
  - Landscape Sensitivity Factors;
  - A Class 4 or 5 Sensitivity Landscape (i.e. within 500m of the boundary);
  - A route or view identified in Map V1 - 13.3 (i.e. within 500m of the site boundary).
- **LR O10** - Ensure that local landscape features, including historic features and buildings, hedgerows, shelter belts and stone walls, are retained, protected and enhanced where appropriate, so as to preserve the local landscape and character of an area.
- **LR O10** - Recognise that the lowlands and the transitional area are made up of a variety of working landscapes, which are critical resources for sustaining the economic and social well-being of the county ...

7.23.13. With respect to Walking Routes / Greenways the planning authority submission refers to the following:

- **LR 071** - Take the potential impact of proposed development into account when considering/assessing applications for permission in the vicinity of

established walking routes that might impinge on walking routes (including long distance or potential walking routes).

- **LR A11** (action) - Investigate the feasibility of developing long distance walking and cycling routes along disused sections of railway lines (e.g. Tullow line, Edenderry to Enfield (former Midland Great Western) line, Harristown Railway line) and canals (Corbally Line, Blackwood Feeder, and Mountmellick Line) or through boglands, possibly using the bog railway routes, during the lifetime of the Plan, in conjunction with the Irish Sports Council and adjoining Local Authorities. These walking and cycling routes will be segregated where possible.

#### **7.24. Kildare Development Contribution Scheme 2023-2029**

7.24.1. The Kildare Development Contribution Scheme 2023-2029, came into effect on the 1<sup>st</sup> of January 2023 for a period of 7 years. The introduction states that Section 48 (1) of the Planning and Development Act 2000 (as amended) enables the Planning Authority, when granting planning permission under Section 34 of the Act, to include conditions requiring the payment of a financial contribution in respect of public infrastructure and facilities benefiting development in the area.

Section 8 'Level of Contribution' sets out the contribution rates applicable on permissions granted from the date of the scheme. Section 8.5 refers to all other development, not covered elsewhere in the Scheme.

#### **7.25. Kildare Climate Action Plan 2024-2029**

7.25.1. The ambition of this Plan is aligned to the Government's National Climate Objective, which seeks to achieve the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy by 2050.

7.25.2. Chapter 4.3 sets out the 'Plan Goals, Objectives and Actions' in five tables including Table 4-5 'CAP Actions for Sustainability & Resource Management'. It includes Action S4 which is to:

- support ongoing expansion and improvements to the electricity grid infrastructure within the County to support renewable generation and supply, having due regard to environmental sensitivities such as archaeology, European sites, biodiversity and amenity value, water and air quality.

## 8.0 Natural Heritage Designations

- 8.1.1. In relation to Appropriate Assessment, the proposed development site is not located within or adjacent to any European site. The nearest European site to the application site is the Long Derries Edenderry SAC (Site Code 000925), which is located c4.75km south of the site and south of the Grand Canal. The River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA are both 10.75km to the north of the proposed site at the nearest point, and c19km hydrologically.

## 9.0 EIA Screening

- 9.1. The applicant did not submit any Schedule 7A information relating to EIA.
- 9.2. The prescribed classes of development and thresholds that trigger a mandatory EIA are set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended).
- 9.3. The proposed 110kV substation and underground grid connection, that is the subject of this application, does not fall into a class of development set out in either Part 1 or 2 of Schedule 5 to the Planning and Development Regulations 2001 (as amended) and does not require a mandatory EIA.
- 9.3.1. The proposed development involves the following:
- Removal of c41m of trees/hedgerow for access to the site from the L5019 road, for access to the proposed substation and an additional c25m when the permitted solar farm is considered.
  - Re-contouring (site reprofiling) to take place.
- 9.3.2. Class 1 (a) of Part 2 of Schedule 5 to the Planning and Development Regulations refers to:
- Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares

- 9.4. Refer to the Coimisiún to Appendix 2 where I have concluded that having considered the nature and scale of the proposed development, the likely significant impacts and proposed mitigation measures as well as the extent of boundary to be cleared and the extent of land to be recontoured and the minimal changes in proposed ground levels, I am satisfied that there is no real likelihood of significant effects on the environment. as a result of the proposed development either on its own or cumulatively with the adjacent permitted Oldcourt solar farm and I am further satisfied that EIA is not required.
- 9.5. With respect to sub-threshold development, the only classes that I consider to be of potential relevance to the proposed development are as follows:
- Schedule 5, Part 1, Class 20: Construction of overhead electrical power lines with a voltage of 220 kilovolts or more and a length of more than 15 kilometres.
  - Schedule 5, Part 2, Class 3(b): Industrial installations for carrying gas, steam and hot water with a potential heat output of 300 megawatts or more, or transmission of electrical energy by overhead cables not included in Part 1 of this Schedule, where the voltage would be 200 kilovolts or more.
- 9.6. An electrical substation is not a class of development as described above as the proposed voltage does not meet or exceed 110kV. I also note that the proposed development does not include the construction of overhead power lines as the proposed development will connect directly to the existing 110kV overhead line at the 2 proposed end masts, while all of the cabling that will provide a connection between the proposed substation and the masts will run underground, except for the vertical cable running from the ground to the top of the masts.
- 9.7. The proposed development is not a class of development for the purposes of EIA as set out in Parts 1 or 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations) and a mandatory EIA is not required. I am also satisfied that the proposed development would not constitute sub-threshold development and a screening determination for EIA is not required. Refer to Form 1 in Appendix 1 to this report.

## 10.0 Water Framework Directive Assessment

- 10.1. The information provided by the applicant in Chapter 6 'Hydrology' of the planning and Environmental Report has informed this section of the report, while the EPA has updated the Surface Water quality information in respect of the period 2019-2024, which supercedes the information provided in the application that refers to water quality status from 2016-2021 .
- 10.2. The entire site is located within the Boyne\_10 surface water catchment, which includes the Kishawanny Upper watercourse that runs along the eastern boundary of the field in which the proposed substation is to be located. In turn, the Kishawanny Upper flows into the River Boyne c2.0km to the south, which becomes the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) c19km downstream of the site. The site is also located within the Trim Groundwater Body.
- 10.3. The proposed substation is located on the western side of the Kishawanny Upper watercourse, at a distance of c100m from the stream, while the nearest part of the proposed temporary compound would be c45m from the watercourse. Part of the proposed access road would run close to the source of the watercourse, at a point c170m south east of the proposed entrance and c285m north of the location of the proposed masts.
- 10.4. No in stream works are proposed within the Kishawanny Upper watercourse, but it is proposed to install a culvert along part of the western boundary of the field where the substation would be located, in order to provide vehicular access to the substation. The route of the proposed culvert is shown on the 'Site Layout Plan Sheet 3 of 3' to be running parallel to the western side of the existing drain. Details of the culvert are also shown in the 'Proposed permanent drainage layout general arrangement' drawing No Dwg\_100, and in Dwg\_101 'temporary drainage plan', which form part of Appendix J 'Surface water Management Plan'. It is also proposed to install temporary swales and silt fencing to ensure no water enters the drainage system during the construction phase. The swales will be abandoned on completion of construction.
- 10.5. Chapter 6 notes that earthworks, plant movements and the use of lubricants, fuel oils, spoil handling and the placement of aggregates and cementitious materials, as

well as dewatering associated with the construction of temporary compounds, building foundations, access tracks, watercourse crossings (culverts), and cable trenches, would be likely to cause change to local hydrology and water quality. During the operational phase, potential impacts would arise from runoff from access tracks and hard standing areas, while drainage associated with the control building would be to ground via an infiltration basin. A positive aspect of the development would be as a result of the cessation of use of agricultural machinery and the application of fertilizers over the site, associated with its current agricultural use.

10.6. The potential for contamination or spillages from the release of hydrocarbons and cement-based products, and sediment discharges, during the construction and operational phases of the development are considered in the NIS, which also includes mitigation measures to protect both surface and groundwater bodies.

10.7. Construction phase surface water mitigation measures to protect both surface and groundwater bodies are set out in Section 3.2 of the NIS, Section 6.18 of the Planning and Environment Report, in the Drainage Plan – Appendix J, the Water Pollution Prevention Plan - Appendix I and in Sections 3.2 and 3.4 of the CEMP. They include:

- Drainage measures incorporated into the design;
- Temporary drainage to include upslope cut off ditches; Temporary silt / pollution prevention and scour protection measures; Either discharge water to existing watercourse channels (via silt removal features) or disperse it over vegetated ground, Temporary swales along access track; Under-track piped drainage crossings would be provided to allow up-slope swales to drain to the down slope side; Drainage grips may be installed on the track surface where deemed a requirement; Buffer zones, silt fencing, swales, check dams and settlement pond;
- Adhere to best practice;
- No permanent welfare facilities for construction or operational phases;
- Cyclical maintenance of permanent SuDS drainage features;
- The operational phase drainage will see run-off from the substation dealt with locally via infiltration and rainwater harvesting, while the access track will be finished

with a permeable surface and the existing drainage networks will be monitored for blockages;

- The drainage system will cater for up to a 1% AEP rainfall event including a 30% allowance for climate change;

10.8. I have assessed the proposed development and proposed mitigation measures set out collectively in the NIS, in Chapter 6 'Hydrology' of the Planning and Environmental Report and in Appendix I 'Water Pollution Prevention' and Appendix J 'Surface Water Management Plan' which address surface water, in the context of objectives set out in Article 4 of the Water Framework Directive, which are to protect and, where necessary, restore surface and groundwater bodies.

10.9. On the basis of objective information provided by the applicant and subject to the implementation of proposed mitigation measures, I consider that the proposed development would not result in a risk of deterioration either qualitatively or quantitatively to any waterbody, either on a temporary or permanent basis, and would not otherwise jeopardise any waterbody in reaching its WFD objectives. Therefore, I am satisfied that the need for further assessment can be excluded.

## 11.0 Oral Hearing

11.1. No party made a request for an oral hearing, and as such, there is no requirement for a decision, on that matter, in this instance.

## 12.0 Planning Assessment

### 12.1. Introduction

12.1.1. Having carried a site visit and having regard to the relevant policies pertaining to the subject site, the nature and scale of the proposed development and the nature of existing and permitted developments in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

- Background
- Principle of Development and Planning Policy

- Biodiversity
- Soil and Geology
- Hydrology
- Cultural Heritage
- Noise
- Landscape and Visual Impact Assessment
- Traffic and Transport
- Reprofilng
- Duration of Permission
- Proposed Conditions

#### 12.1.2. Issues raised in respect of:

- EIA are addressed in Section 9 above and Appendices 1 and 2 of this report.
- Appropriate Assessment are addressed in section 8 above and in Appendices 3 and 4 of this report.
- The Water Framework Directive are addressed in Section 10 above and Appendix 5.

## 12.2. Background

- The purpose of the proposed substation and grid connection is to connect the recently permitted Oldcourt Solar Farm (P.A. Reg. Ref. 22/327) in northeast County Kildare, to the national grid via the existing Derryiron-Timahoe 110kV line overhead line that runs in a west to east direction through the site. The site of the permitted solar farm extends over an area of 121.55ha and includes the site of the proposed substation and grid connection as well as other lands to the north, south east and west of the proposed substation. The permitted solar farm would have a maximum export capacity to the national grid of c.100MW.

The proposed development was the subject of pre-application consultation (ABP-319140-24), on foot of which the Coimisiún determined on the 19<sup>th</sup> of July 2024 that the proposed development of a C-Type AIS 110kv substation and underground cable

looping in the existing Derryiron-Timahoe 110Kv circuit would constitute Strategic Infrastructure Development and that an application must be made directly to the Coimisiún.

### **12.3. Principle of Development and Planning Policy**

- 12.3.1. The site is located in a rural agricultural area adjacent to and within the site boundary of a permitted, but undeveloped solar farm. So, while not a renewable energy project in itself, the proposed development is ancillary to the permitted solar farm and is necessary for its energisation and connection to the national grid.
- 12.3.2. At a European level, a number of binding targets apply to Ireland that require a reduction in greenhouse gas emissions. Ireland has a binding renewable energy target of 42.5% under REPower EU (2022) and the RED III Directive, while the EU Action Plan for Grids recognises that electricity grids are critical for the clean energy transition to net zero by 2050.
- 12.3.3. The proposed development would be consistent with National Strategic Outcome (NSO) No 8 'Transition to a Carbon Neutral and Climate Resilient Society', of the updated National Planning Framework (April 2025), which states that Ireland will have a more renewables-focused energy generation system harnessing energy sources such as solar. It would also be consistent with National Policy Objective 71, which seeks to support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development. The proposed development would also support the provision of up to 8GW of solar by 2030, which is referred to in the Climate Actions Plans 2024 (CAP24) and 2025 (CAP25) and with the CAP's recognition of the need to enhance the electricity grid capacity and flexibility to accommodate the expected significant upsurge in renewable energy. I am satisfied that the proposed development would be consistent with the documents set out in Section 15(1) of the Climate Action and Low Carbon Development Act 2015 (as amended) including the recently published 'Electricity and Gas Networks Climate Change Sectoral Adaptation Plan' (November 2025 which notes that 'for the period 2030 and to 2050, continued and significant investment will be required for further expansion of renewable energy and to modernise the electricity grid to accommodate the increased variability of renewable sources'. By facilitating the electrification of the permitted solar farm, the proposed

development would be consistent with Ireland's climate objective of achieving a climate neutral economy by 2050 and a Climate Action Plan target of 80% renewable energy generation by 2030. I am also satisfied that the proposed development would be consistent with the national adaptation framework, which promotes a more sustainable and eco-friendlier energy supply.

- 12.3.4. The proposed development is also consistent with Action 11 of Energy Security in Ireland to 2030, Energy Security Package (November 2023) which seeks to ensure a fit-for-purpose electricity grid that supports Ireland's energy and climate ambition, while it also notes that extensive reinforcement and expansion of the whole electricity transmission and distribution network will be critical to meeting the objective to decarbonise the economy through greater electrification.
- 12.3.5. The proposed development would deliver on the objectives of the National Energy & Climate Plan 2021-2030 (NCEP) (July 2024) to achieve a 34% share of renewable energy in energy consumption, increase electricity generated from renewable sources to 70% and provide up to 1.5 GW of grid scale solar energy, through streamlined consenting and connection arrangements.
- 12.3.6. I am satisfied that the proposed development would assist in delivering Regional Strategic Outcome No 9, of the Regional Spatial and Economic Strategy for the Eastern & Midland Regional which seeks to pursue the potential for a more distributed renewables-focussed energy system to support the transition to a low carbon economy by 2050. It would also be consistent with the following Regional Policy Objectives (RPO's) 4.84 - which supports renewable energy as a form of diversification of the rural economy; RPO 10.20 – which supports the facilitation of new transmission infrastructure to facilitate linkages of renewable energy proposals to the electricity grid; and RPO 10.22 – which supports the reinforcement and strengthening of the electricity grid to facilitate a renewable energy focused generation. The proposed development would also be consistent with Section 10.3 'Energy which recommends geographical focused renewables investment such as co-location of renewables and associated grid connections.
- 12.3.7. The proposed development would be consistent with the Overarching Principles of the Kildare County Development Plan 2023-2029, which seeks to facilitate a low carbon future and supports, facilitates and promotes the sustainable development of

renewable energy sources in the county. By helping to energise the permitted solar farm, the proposed development would also assist in the delivery of Renewal Energy Policy EC P2, which promote renewable energy use generation and associated electricity grid infrastructure; Objectives EC O2, which seeks to adopt an informed and positive approach to renewable energy proposals; and EC O3, which seeks to limit emissions of greenhouse gases through the development of renewable energy sources and EC 04, which seeks to support development of electricity networks in the county. Energising the permitted solar farm would help deliver solar Policy EC P5, and solar Objectives EC O17 and EC 021. It would also assist in the achievement of the following 'Energy Supply and Infrastructure' policies and objectives EC P10 - Support the expansion of the electricity transmission and distribution grid; EC O64 - Support and safeguard the efficient and reliable supply of electricity to all homes and businesses in County Kildare; and EC O65 - Support the reinforcement and strengthening of the electricity transmission and distribution network, ..., to facilitate planned growth and transmission/distribution of a renewable energy focused generation; EC O66 – Facilitate the connection of renew able energy proposals to the electricity transmission grid; and EC O70 - Facilitate the development of grid reinforcements including grid connections.

- 12.3.8. The Kildare Renewable Energy Strategy includes a series of Objectives include S4 which is support ongoing expansion and improvements to the electricity grid infrastructure within the County to support renewable generation and supply, having due regard to environmental sensitivities such as archaeology, European sites, biodiversity and amenity value, water and air quality.
- 12.3.9. Following from the above, I am satisfied that the proposed development would be consistent with European, national, regional and county level planning policy and would facilitate the development of a permitted solar farm that would help Ireland to deliver on the binding greenhouse gas reductions targets and the production of 80% of electricity from renewable sources by 2030.
- 12.3.10. As the principle of a solar farm has already been deemed acceptable by the Coimisiún, I am of the opinion that the proposed development, which is the enabling infrastructure necessary to connect the permitted Oldcourt solar farm to the grid, is also acceptable in principle, subject to other planning considerations as set out below.

## **12.4. Biodiversity**

12.4.1. I have examined Chapter 4 'Biodiversity' of the applicant's Planning and Environmental report, which has been prepared by Biosphere Environmental Services. I have also examined Appendix H - Badger Survey and Bat Roost Evaluation.

12.4.2. Some aspects of the applicant's 'Biodiversity' assessment overlaps with respect to European sites and matters relating to European Site have been addressed in the context of the AA screening Report and the NIS and I refer the Coimisiún to section 13 below and to appendices 3 and 4 to this report in that respect. I concluded that that adverse effects on the site integrity of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) can be excluded in view of the conservation objectives of the sites and that no reasonable scientific doubt remains as to the absence of such effects.

In this section of my report, I will set out the key issues addressed in the Biodiversity chapter under the headings of Methodology; Baseline; Overview of Ecological Importance of Site for Proposed Development; Potential Impacts and Assessment of Effects and Mitigation, before carrying out an assessment of the key matters arising.

### Methodology

12.4.3. The biodiversity assessment was informed by an initial desk study, followed by walkover site surveys in July 2024 and February 2025. The statement of authority for the two authors, who also carried out the field studies, demonstrates that they have significant experience in terms of years of experience, in respect of projects similar to what is proposed in this application and in respect of carrying out habitat, badger and bat surveys.

12.4.4. The field study of July 2024 was for the purpose of classifying habitats and identifying flora. Field surveys were carried out on two dates in February 2025 to identify mammals or traces thereof, in particular badger, as well as to identify potential trees to support bat roosts.

12.4.5. Where badger setts were identified and appeared to be in recent use, trail cameras were set up for a week.

- 12.4.6. A ground level tree assessment was carried out whereby trees were evaluated from the ground for obvious signs of bat occupancy. This involved a detailed inspection of the exterior of trees to look for features that bats could use for roosting. The assessment also include taking photographs of any features that would provide roosting potential to identify potential roosting features (PRFs) based on the BCT categorisation in accordance with Collins 2016, with four different descriptions set out being category 1) Trees with multiple, highly suitable features (PRFs) capable of supporting larger roosts; 2) Trees with definite bat potential but supporting features (PRFs) suitable for use by individual bats; 3) Trees have no obvious potential although the tree is of a size and age that elevated surveys may result in cracks or crevices being found or the tree supports some features (PRFs) which may have limited potential to support bats; and 4) Trees have no potential.
- 12.4.7. All birds present or close to the site were recorded on the occasion of each site visit and searches were also made for the presence of amphibians and reptiles.
- 12.4.8. The report states that the habitat, mammal and especially badger surveys were carried out at the optimum time, that winter and summer bird surveys were carried out and that while bat movements are low in February, that the survey was considered adequate for identifying potential bat roosts. I will address any potential limitations or constraints in the methodology later in my assessment of Biodiversity.
- 12.4.9. The evaluation and assessment was carried out in accordance with the following:
- 'Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine (2018)' developed by the Chartered Institute of Ecology and Environmental Management (CIEEM, September 2018).
  - EPA Guidelines on the information to be contained in Environmental Impact Assessment Reports (2022),
  - Guidelines for Assessment of Ecological Impacts of National Road Schemes (NRA, 2009).

#### Baseline

- 12.4.10. It notes that the principle habitat on the site of the proposed substation is 'Improved agricultural grassland GA1', while the perimeter of the field consists of elements 'Dry meadows and grassland verges GS2'; 'Wet willow-alder-ash woodland

WN6'; 'Hedgerow WL1'; 'Treeline WL2'; 'Scrub WS1'; and 'Drainage ditches FW4'. The field in which the access road and end masts would be located consists of 'Arable crops BC1'. There are no legally protected or red listed plant species on the site and no third schedule invasive plants were noted during the walkover survey. Signs of ash die back disease were noted in trees along the western boundary of the field where the substation is proposed and the tree plantation to the north also suffers from Ash die-back. A series of photographs illustrate the habitat types and site boundaries.

12.4.11. Five badger sets were identified and were considered to be outlier rather than main setts, on the basis that while there were signs of recent activity, trail cameras did not pick up any activity over a week long period at the two setts with signs of activity. The general location of the five setts are indicated in Figure 4.2 of the PER.

12.4.12. Signs of red fox, rabbit and brown rat were noted, while an Irish hare was observed in the field where the end masts are proposed to be erected.

12.4.13. Any potential for bat roost loss would be through the removal of some mature trees on the western boundary, to facilitate the vehicular access to the substation and an image of the only possible category 1 roost tree as per the descriptions set out in paragraph 12.4.6 above is included as plate 7. All other trees are considered to be category 3. With respect to bats, the summary of the baseline is that there is roost potential within the trees mainly of a very limited nature with the exception of one large tree that has higher roost potential, but no obvious signs of roosting bats.

12.4.14. Common frog was deemed likely to be present due to the wet nature of the ground and drainage channels, while the habitat was not deemed suitable for common lizard. The bird species recorded on or over the site include buzzards, the red listed yellowhammer and the amber listed amber-listed skylark, house sparrow, willow warbler and goldcrest.

#### Overview of Ecological Importance of Site for Proposed Development

12.4.15. Section 4.13.3 provides an overview of the ecological importance of the site and considers it to be of relatively low ecological interest, due to its use as largely active agricultural land. It also notes that all bat species are listed on Annex IV of the EU Habitats Directive and are protected under the Wildlife Acts 1976-2023, and in that context the mature trees along the western boundary have some (albeit low)

potential for roosting bats, while the treelines and developing woodland within the site provide foraging habitat for bats and other mammals.

#### Potential Impacts and Assessment of Effects

- 12.4.16. Chapter 4.14, referring to habitats and flora, noted that the development of the substation would result in the loss of c50square metres of willow scrub, which would have a slight adverse effect, while 26m of trees and ditch would be removed to facilitate the access to the substation, with a further 25m of boundary to be removed to facilitate the access and cable route, which would also have a slight adverse effect. No red listed or protected flora would be affected.
- 12.4.17. The construction works could affect identified badger setts in the absence of mitigation, which could lead to death or injury, while in the longer term badger would lose part of their foraging grounds, which would have a slight long-term negative impact on them.
- 12.4.18. With respect to bats, the authors state that, in the absence of mitigation, there is a very low risk of bat roost loss through the removal of four or five trees to facilitate access to the substation. The removal of trees and willow and scrub would also reduce the area of foraging for bats, resulting in a long-term slight negative impact on local bats.
- 12.4.19. No significant impacts are expected for any other mammals, the common frog or bird species, while there are no pathways from the site to any NHA or pNHA sites.
- 12.4.20. The authors state that during the operational phase, the implementation of the landscape management plan would provide a net beneficial effect for the local environment. I would agree with this statement. They also expect that the badger setts would become reoccupied over time, having been temporarily closed during the construction phase of the development.

#### Mitigation

- 12.4.21. Section 4.15 sets out the proposed mitigation measures. For habitats, mitigation would include a 5m buffer between the hedge of the tree line and site works by the erection of fencing while any tree felling would be carried out outside of the bird breeding season of March to August. The Landscape Management Plan would also increase the total number of trees present in the area.

### Badger Mitigation

- 12.4.22. For badger, it is proposed to appoint a badger specialist to carry out a pre-construction survey to check the status of the setts including camera trap monitoring, with setts temporarily closed in consultation with the NPWS and they would be monitored again after works are completed and the setts have been reopened.

### Bat Mitigation

- 12.4.23. The proposed mitigation for bats is set out at Chapter 4.15.2.2 and states that 'all trees required to be felled, or which require major surgery, shall be evaluated immediately prior to removal or works for the presence of bats by a bat specialist. Where trees are deemed to have roost potential access from height may be a requirement to allow full evaluation. Alternatively, a bat activity survey may be required where access is not possible. Should any tree be identified as a bat roost, a derogation shall be required from NPWS to allow bats to be excluded from the tree prior to felling. This will be done by a licensed bat specialist'. It continues by stating that 'To compensate for the loss of potential roost sites, 6 no. x 2F Schwegler bat boxes will be installed at a height no less than 3 metres above ground level. The locations, which shall be away from lighting, will be selected by a bat specialist'.
- 12.4.24. I will address the matter of derogation in my assessment below.

### Bird mitigation

- 12.4.25. This will take the form of restricting the cutting, grubbing, burning or destruction by other means of vegetation in hedges or ditches during the nesting and breeding season from March 1<sup>st</sup> to 31<sup>st</sup> of August.

### Water Quality Mitigation

- 12.4.26. Mitigation measures to address water quality are addressed in Chapter 6 hydrology and will be addressed through the implementation of a CEMP

### Invasive Species Mitigation

- 12.4.27. While no invasive species were recorded, it is proposed to adhere to best practice including good site hygiene and to follow NRA Guidelines on The Management of Noxious Weeds and Non-native Invasive Plant Species on National Roads.

### Cumulative and residual

12.4.28. No cumulative effects are anticipated together with the permitted Oldcourt Solar Farm and I am satisfied that there are no other developments in the vicinity that would warrant consideration for cumulative effects.

12.4.29. Positive residual effects are anticipated by reasons of the elimination of the application of fertilisers, herbicides and pesticides to the site area and the new plantings and enhancement of existing hedgerows and treelines as a result of the Landscape Management Plan. This would have a beneficial effect on the WFD water quality status of the River Boyne\_010, which at present is poor.

### Assessment of the above matters

12.4.30. Arising from the above, I consider that the key matters requiring consideration relate to potential impacts on badgers and bats. With respect to all other potential impacts, I am satisfied that the applicant has carried out a thorough assessment and identified potential impacts and that the proposed mitigation measures would be appropriate and would prevent any significant effects on habitats, birds, mammals and amphibians. I am also satisfied that the proposed mitigation measures can be addressed by way of a condition, if the Coimisiún is minded to grant approval.

### Badger

12.4.31. A number of badger setts have been recorded in close proximity to the working area. They have been deemed to be secondary and not main setts, meaning that they are visited occasionally rather than being main setts. A comprehensive set of proposed mitigation measures have been set out at section 4.15.2.1 of the Planning and Environmental Report and I am satisfied that the mitigation measures are acceptable and can be addressed by way of a condition, should the Coimisiún be minded to grant permission.

### Bats

12.4.32. One tree was identified that would have high bat roost potential, but the ground level survey did not identify any signs of bats to be present in the particular tree. This and up to four other trees which were deemed to have low potential for roosts are proposed to be removed to allow for the construction of the access track to the substation. All bats are listed in Annex IV of the Habitats Directive and are also

protected under the Wildlife Acts 1976-2023. Proposed mitigation measures set out in Section 4.15.2.2 of the Planning and Environmental Report include an initial evaluation of the trees and potential for a survey of the trees from a height, and should any tree be identified as a bat roost, the applicant would seek a derogation from the NPWS to allow bats to be excluded from the tree prior to felling.

12.4.33. I note that Kildare County Council's ecologist was satisfied in the main with the findings of no significant impact to species or habitats as outlined in the Environmental Report, but recommended an additional summer bat survey to be included for completeness and an assessment of any potential impact to bats and to ensure no deleterious impact to bats in the general locality.

12.4.34. While there is potential for a derogation being required from the NPWS, in reality there is a certain level of potential in every instance that a bat or bats could be present on any particular tree and I consider that this is relevant in the context of the Guidance for Applicants (Version 1.0) titled 'Applications for Regulation Derogations for Annex IV species', published by the Department of Housing, Local Government and Heritage on the 1st of July 2025. Section 5 of the guidelines referring to 'Timing of Application for Derogation' states that on the basis of the judgement of the Court of Justice of the European Union High Court in July 2023 in respect of Case C-166/22 'Hellfire Massy Residents Association v An Bord Pleanála' and others' relating to the relationship between the systems of development consent and the provision of derogations regarding the strict protection of species under the EU Habitats Directive, the Department is of the opinion that where a proposed activity requires consent from another statutory authority (i.e. this application for approval), and it appears that such an activity, if permitted, will (emphasis added) also require a derogation from the Minister, then it is necessary that the derogation should be granted before the approval of the consent to the proposed activity. The guidelines go on to state that public authorities are advised that, when considering applications for development consent, they should ensure that such applications include copies of the derogation(s) that the applicant has considered it is necessary to acquire and that the responsibility of avoiding disturbance or damage to Annex IV species, or of obtaining an appropriate derogation, rests with the applicant'.

12.4.35. I note that the person who carried out the bat survey did provide a caveat that the survey was undertaken at a time when bat activity is extremely low and there

would be no means of determining bat presence without intensive examination of each tree. However, I am satisfied that the author is experienced, with over 30 years of fieldwork experience and over 20 years of undertaking bat surveys for public and private bodies and that the methodology used in this case is appropriate and proportional.

12.4.36. The tree bat roost category classification system set out in the Biodiversity chapter refers to Collins 2016. I note that chapter 6 of the more recent 'Bat Surveys for Professional Ecologists Good Practice Guidelines, 4<sup>th</sup> Edition (Collins 2023), refers to 'Surveying trees and woodland for bat roosts'. It states that surveys should always be proportionate and iterative and that the 4<sup>th</sup> edition moves away from the method that has been described in the Biodiversity chapter for categorising individual PRFs and trees and notes that a full suite of all survey types at every stage would be onerous and inefficient and that it is more important to understand landscape context, the species present and the risks involved for bats. It also states that larger projects that extend over a number of years are likely to require a staged approach to bat surveys of trees and that bats in trees switch roosts and PRFs may appear or disappear. It also notes that there is inherent difficulty in surveying trees compared to buildings, as evidence of bats is retained in buildings for much longer periods than in trees.

12.4.37. Section 6.2.6 'Timing' of the Bat Surveys for Professional Ecologists Good Practice Guidelines, states that preliminary ground level roost assessments of trees are best carried out in the winter, between December and March. In this instance, the survey was carried out in February, which Falls within the optimal time of year for carrying out such assessments. Section 5.2.9 'Next steps' states that if no evidence of bats has been found then further surveys may not be appropriate. I also note that the 'Bat Surveys for Professional Ecologists' from September 2023 are Guidelines only and The Bat Conservation Trust, that published the guidelines, provide that they do not seek to override professional judgement.

12.4.38. The ground level survey carried out to assess the potential presence of bat roosts in a number of trees was a point in time survey. Circumstances are likely to change in the period between when the initial assessment was carried out and when this proposed project may commence, as the applicant is seeking a 10 year permission and the permitted solar farm has still got 6 years and 9 months left to run.

I am satisfied that it would be more appropriate to require a staged approach to bat surveys of trees that are to be felled, than to require the applicant to carry out further surveys at this time and I also note that the PER does not state that the applicant has considered it is necessary to acquire a derogation from the NPWS but that it may be necessary in the future.

12.4.39. Having considered the content of the Biodiversity chapter, in particular the baseline relating to bats at page 4-17 in section 4.10.2, where it was noted that there were no obvious signs of bat usage and there were no obvious crevices or cavities visible from ground level, while there is a possibility that a derogation may be required, I am satisfied that it cannot be said that it will be required. For that reason, I am also satisfied that it is not necessary that a derogation be acquired before the Coimisiún considers granting approval for the proposed development.

12.4.40. Overall, I am satisfied that should be Coimisiún be minded to grant approval, that it would be appropriate to include a condition requiring that the proposed biodiversity mitigation measures be implemented, which would include the carrying out of further bat surveys in accordance with the mitigation measures set out in section 4.15.2.2 if the Planning and Environmental report. I also consider that it would be appropriate, if the Coimisiún is minded to grant approval to attach a specific condition requiring a pre commencement bat survey to be carried out, the format of which should be agreed with the planning authority. Such an approach would ensure that any potential roost features that are not currently present but are present prior to the commencement of development are identified and that appropriate steps are taken, including the potential requirement to seek and obtain a derogation licence

## **12.5. Soils and Geology**

12.5.1. I have examined Chapter 5 'Soils and Geology' of the applicant's Planning and Environmental report. A desk based study established the topographical, geological and geomorphological baseline for a 5km study area around the site. This was followed by a walkover survey.

12.5.2. No bedrock outcrops were noted on the site, with the nearest being 1.47km south, while the nearest karst feature is 5.57km west. The nearest County Geological site is 2.25km to the east. The sites soil is deep well drainage mineral till. Being relatively

flat, the site has low landslide susceptibility, while there are no signs of contamination on the site.

- 12.5.3. Potential effects are set out in section 5.4 of the PER. Potential effects would include land take, the impact of which is deemed to be slight negative long-term and reversible, while there would be no impact on geological heritage. Potential adverse effects in soils could come from contamination from the uncontained spillage of pollutants, such as concrete/cement, oil or other chemicals, domestic wastewater, earthworks and waste. Other potential effects could come from erosion, soil compaction, subsidence and the storage of stockpiles during construction.
- 12.5.4. A comprehensive set of mitigation measures are set out in Chapter 5.5 and refers to the implementation of a Construction Environmental Management Plan (CEMP). The CEMP will include the specific amounts of subsoil and bedrock to be removed, that excavated soils will be reused on site, bedrock if encountered will be used for the construction of access tracks, attenuation of dirty water and daily monitoring of excavations by a geotechnical engineer. Chapter 5.5 also set out comprehensive proposals for the storage of excavated material, protection of stockpiles against rain erosion, compaction and contamination and for dewatering if necessary. It also contains specific mitigation measures for cement products, oils and lubricants, inspection and maintenance, refuelling and dispensing, while it also sets out emergency response procedures. While drainage is addressed comprehensively in chapter 6 hydrology, it also set out a number of drainage mitigation measures. It concludes that with mitigation measures in place, no significant residual impacts are likely.
- 12.5.5. I concur with the conclusions set out in Chapter 5, and I am satisfied that subject to the mitigation measures outlined above and set out in detail in chapter 5 'Soils and Geology' of the PER, that the proposed development would not have any significant adverse impact on soils and geology. The proposed mitigation measures can be addressed by way of a condition if the Coimisiún is minded to grant approval.

## **12.6. Hydrology**

- 12.6.1. I have examined Chapter 6 'Hydrology' of the applicant's Planning and Environmental report, which addressed the Water Framework Directive (WFD) and

in that respect I refer the Coimisiún to Section 10 above 'Water Framework Directive Assessment and to Appendix 5 to this report.

- 12.6.2. In addition to the WFD, Chapter 6 also addresses catchment hydrology, groundwater and water dependent habitats and hydrologically linked sites of natural heritage significance.
- 12.6.3. A desk based study was carried out to identify the drainage catchment and a field based walkover survey was carried out to verify the drainage characteristics and hydrological features in or bordering lands within the applicant's control, which includes the site of the permitted Oldcourt Solar Farm, as shown on the Site Location Plan Sheet Number 051065-DR-001. The applicant also consulted with the EPA, Uisce Éireann (UE) and Kildare County Council and received information regarding EPA databases, UE infrastructure and registered abstractions in the area, all which informed the Hydrology assessment.
- 12.6.4. As part of the baseline assessment, the immediate drainage regime was identified and mapped relative to the site, with drains running along part of the proposed access track and around all four boundaries of the field where the proposed substation would be located. It notes that the significant pressures on the Boyne\_10 river sub-catchment are from domestic wastewater and hydromorphological sources. There are no public or group water supply source protection areas, no potential groundwater wells or springs, no water abstractions of more than 25 cubic metres a day in the vicinity and no registered abstractions within 1km. The site is underlaid by a locally important aquifer of moderate productivity, while groundwater at the substation is of moderate vulnerability, and is assigned a high vulnerability along the access track. No karstic features were identified in the area and the soil drainage is described as dry.
- 12.6.5. The baseline assessment also determined that groundwater is subject to pressures from 1) anthropogenic sources (nutrient, chemical, microbiological), 2) domestic waste water (nutrient and organic pollution), and agricultural pressures (nutrient pollution from point and diffuse sources). Near surface phosphate susceptibility is ranked between 'very low' and 'very high', while near surface nitrate susceptibility is 'low'. The site is ranked as having a 'low' risk to 'sub-surface' nitrate susceptibility,

while there is 'very low' phosphate susceptibility over most of the site, except for a section near the access, which is deemed to have 'low' susceptibility.

- 12.6.6. The Flood Risk Assessment (FRA) (Appendix F), which was prepared for the Solar Farm application, incorporated the site of the proposed substation and grid connection and indicated approximate location of this application, concluded that the overall development would not increase flood risk either at the site or elsewhere during all phases of the development. The majority of the access track proposed to serve this proposed development has already been permitted as part of the Oldcourt Solar Farm, although there are some minor differences in respect of the curvature of the corners on the access track, that is do not consider to be significant. I have reviewed the FRA and I am satisfied that the proposed development would not add to flood risk, either within the application site or in the vicinity.
- 12.6.7. The applicant identified a number of potential effects and then set out a series of proposed mitigation measures. Without mitigation, the construction effects would arise via works, including earthworks, plant use and servicing, while dewatering would likely cause changes to local hydrology and water quality, and runoff from hard standing drainage and the access tracks have the potential to cause adverse environmental effects. Decommissioning effects would be similar to the construction phase.
- 12.6.8. The likely effects of the above are:
- 'changes to runoff' via 1) increased surface water runoff due to impermeable surfaces, due to soil compaction and reduced permeable areas; 2) reduced potential for groundwater recharge; 3) increased flood risk; and 4) increased effects of erosion and scour downstream.
  - 'changes to water quality' via 1) the release of fine sediment into surface water runoff or from excavations that interact with surface watercourses relating to the access track, masts and substation; 2) Chemical pollution of surface or groundwater from fuels, oils and concrete spills or from chemical toilets; 3) A beneficial impact in that the change of land use would result in less or no nutrient application on the land, due to a cessation of farming.

- 'hydromorphological changes' via 1) increased silt and suspended sediments; 2) alterations due to the installation of culverts, which limit the ability for change to occur and can cause significant erosion or deposition of sediment.

12.6.9. Mitigation measures set out by the applicant in sections 6.18 and 6.19 of the Planning and Environmental report, to address identified potential effects, include:

- Water quality - drainage measures are part of the design to avoid silt or sediment laden water reaching natural watercourses and these measures are set out in Appendix J Drainage Plan, and include 1) Setbacks from existing drains; 2) a water pollution prevention plan; 3) Best practice incorporating pollution prevention guidance; 4) No permanent welfare facilities; and 5) Cyclical SuDS maintenance.
- Drainage – 1) discharge to not exceed pre-development greenfield equivalent; 2) implement the drainage plan (Appendix J)
- Protection of watercourses – 1) a 20m buffer will be provided from the top of the bank of the arterial drain (Kishawanny Upper / ADS: C1/81/2) in compliance with development plan requirements; 2) 5 to 10m buffers will apply to all other drainage features and are described in Appendix I the Water Pollution Prevention Plan.

Proposed condition 10 of the water services section also references mitigation measures set out in section 6.19 of the PER. These refer to the SuDS features in the surface water plan, works in and near watercourses, the control of chemicals and dewatering. I am satisfied the measures in section 6.18 and 6.19 of the PER are standard measures that could be addressed by way of conditions if the Coimisiún is minded to grant approval.

12.6.10. Kildare County Council recommended a number of hydrology related conditions, proposed by its Environment section, which are summarised in Sections 4.2.12 of this report as No's 1) bunded storage tanks; 3) wastewater; 7) surface water from carpark to run through an interceptor before discharge; 10) mitigation measures from sections 6.18 and 6.19 of the PER to be implemented. In response to these proposed conditions the applicant considered the conditions to be standard and would comply with them.

12.6.11. The water services section also set out 6 proposed conditions, which have been previously summarised in section 4.2.15 above. They relate to SuDS and the proposed surface water management plan, surface water, foul sewerage, which I am satisfied are all standard issues that can be addressed by way of conditions if the Coimisiún is minded to grant permission. The foul sewage is to be addressed by way of the provision of a chemical toilet during both the construction and operational phases of the development.

12.6.12. One other matter was raised by the water services section, in proposed condition no 5 (see section 4.2.15 above) regarding the potential need to obtain Section 50 approval for the installation of a culvert over the Kishawanny Upper Watercourse that runs to the east of the field in which the proposed substation would be located. The basis for this proposed condition was that it is unclear to the water services section, if the Kishawanny Upper is to be culverted. I note that the arterial drain is reference in section 6.18.3 when referring to a 20m buffer, that would be maintained from the arterial drain (Kishawanny Upper / ADS:C1/81/2). I have inspected the Arterial Drainage Schemes Channels map on [www.floodinfo.ie](http://www.floodinfo.ie), which maps watercourses forming part of Arterial Drainage Schemes. The maps clearly indicate that the Kishawanny Upper watercourse is part of an Arterial Drainage Schemes, but that the location where the proposed culvert is to be located is not part of the Kishawanny Upper watercourse and would therefore not require Section 50 approval. Therefore, I am satisfied that such a condition is not required in respect of the proposed development.

12.6.13. Overall, I am satisfied that subject to the attachment of appropriate conditions that includes the mitigation measures proposed set out in chapter 6 hydrology, that the proposed development would not have a significant negative impact on hydrology.

## **12.7. Cultural Heritage**

12.7.1. I have examined Chapter 7 of the applicant's Planning and Environmental report, which addresses Cultural Heritage, including archaeology. The Chapter was informed by an extensive desk based study and a walkover field study. It notes that the nearest recorded monument is located c950m south of the proposed substation and 1km south of the proposed grid connection/masts. Oldcourt House, a protected

structure lies 520m north west of the proposed substation and is largely blocked from view from the site, via intervening vegetation and a large outbuilding, which mitigate any potential impacts from the proposed development on Oldcourt House, while its curtilage has been substantially altered over time, by the removal of most of the former garden enclosure and an orchard. The closest NIAH structure is Carbury National School 2km to the east, while cartographic records going back to 1829-1841 have not identified any significant features in the vicinity of the development.

- 12.7.2. No significant effects are predicted for any of the cultural heritage features assessed as part of the cultural heritage chapter, while no significant residual effects are predicted for either the construction or operational phases of the project.
- 12.7.3. While no archaeological monuments are recorded in Oldcourt townland, and the walkover survey did not identify any trace of any ground features, the presence of prehistoric activity on Carbury Hill, including Carbury Castle (2km east) is noted, while excavations carried out c1km to the south, relating to the R402 upgrade, uncovered several archaeological features. Therefore, as there is potential for subsurface archaeological material to be located in the area, the applicant proposed the following mitigation measures: 1) that all ground disturbance associated with the construction will be monitored by a suitably qualified archaeologist under licence; 2) that a programme of archaeological pre-development testing be carried out and reported upon; and 3) that any archaeological soils, features, finds, and deposits are properly recorded.
- 12.7.4. The DAU of the Department of Housing, Local Government and Heritage proposed four conditions, the first of which is that the applicant's mitigation measures are implemented in full, unless otherwise required. The second proposed DAU condition incorporates all of the applicant's proposed mitigation measures, but also addresses additional recommendations. Therefore, in order to avoid duplication, should the Coimisiún be minded to grant approval, I am satisfied that it would not be necessary to require compliance with the mitigation measures in chapter 7 of the PER and that the applicant's proposed mitigation measures could be more appropriately addressed in a more comprehensive condition relating to archaeology.
- 12.7.5. The third proposed DAU condition requires that the CEMP shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed

development as set out in the Archaeological Impact Assessment, which I assume is a reference to Chapter 7 of the PER. I am satisfied that the attachment of such a condition would be appropriate, given the presence of recorded monuments in the area and previous finds during the road construction works c1km to the south.

- 12.7.6. The fourth proposed DAU condition requires that a post development report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, be submitted to the planning authority and the DAU and that all costs are borne by the developer. I am satisfied that it would be appropriate to include a condition to this effect if the Coimisiún is minded to grant approval.
- 12.7.7. The site of the proposed development is located within the overall site boundary of the permitted Oldcourt solar farm (P.A. Ref 22/327) of which Condition No 10 requires a) an archaeo-geophysical survey to be carried out over the entire site under licence; b) a) above to be followed by pre-development testing, by a suitably qualified archaeologist, under licence; c) excavate test trenches at select locations; d) prepare and submit a report to the planning authority and Department of Housing Local Government and Heritage; e) avoidance, preservation in situ or by record of any material found. Although it uses a different form of wording, the condition addresses the same key issues as the proposed DAU condition and I am satisfied that a condition could be attached to this proposed development that would not conflict with the archaeological condition imposed on the permitted Oldcourt Solar Farm.
- 12.7.8. In its submission on the application, Kildare County Council recommended the attachment of a condition requiring that the site be archaeologically assessed under licence, that test trenches are dug and that a report is prepared and submitted to the Department of Housing, Local Government and Heritage, all in advance of a decision being issued in respect of the application. Taking into account that the planning authority granted permission for Oldcourt solar farm in 2022 under P.A. Reg. Ref. 22/327, which incorporates the site of this application, and that the condition proposed by Kildare County Council in this application is not the same as the condition applied to the solar farm, I do not consider that part (d) of the proposed condition is necessary, in advance of the making of a decision by the Coimisiún.

12.7.9. Following from the above, there are effectively four different forms of condition to be considered and in that respect I have assessed the different and similar issues raised in each of the conditions. I consider that should be Coimisiún be minded to grant approval, that it would be appropriate to attach a separate condition relating to archaeology, that would be largely based on the proposed condition from the DAU. I do not consider it necessary to require the applicant to adhere to the mitigation measures set out in chapter 7 of the Planning and Environmental Report, as they do not cover all of the issues required to be covered in respect of archaeology, and to avoid unnecessary duplication .

12.7.10. To assist the Coimisiún in its consideration of the above matters, I have set out the different forms of mitigation and proposed conditions in Appendix 6 to this report.

## **12.8. Noise**

12.8.1. I have examined Chapter 8 'Noise' of the applicant's Planning and Environmental report, which is a Noise Impact Assessment prepared by Irwin Carr Consulting Ltd.

12.8.2. The assessment criteria include that predicted noise levels were compared to construction noise level criteria from BS5228 and TII guidelines, which are best practice but not statutory documents, and operational noise levels set out in the 'EPA Guidance Note for Noise: Licence Application, Survey and Assessments in relation to Scheduled Activities (NG4)', which are industry standard assessment criteria. The effect descriptors from IEMA Guidance (2014) were used to establish the potential magnitude of change of future noise levels, relative to existing noise levels, with five scales of significance set out from negligible to major impact, depending on the projected noise level change in dB(A). The 1999 World Health Organisation (WHO) 'Guidelines for Community Noise' recommend that the equivalent sound level at nighttime should not exceed 30dB(A) for continuous background noise.

12.8.3. For the NG4 assessment, ambient and background noise levels were measured at two locations over a 7 day period in October 2024, with one being close to Oldcourt House, and a second location c1km to the south of the site. The exact locations are shown in Appendix K to the PER. From these results, computer modelling was undertaken to accurately predict noise emissions at the nearest residential properties, based on the typical noise levels for both the construction works

(machinery) and the operational phase of the substation, with the latter based on 100% running time. Based on the ambient noise levels, the noise levels selected from BS5228:2014 for the construction phase are the most restrictive Category A noise levels of 65 dB  $L_{Aeq}$  (Daytime 07:00-19:00), 55 dB  $L_{Aeq}$  (Evening 19:00-23:00) and 45 dB  $L_{Aeq}$  (Night-time 23:00-07:00). In addition, the NRA (TII) guidance considers noise levels of 70dB daytime  $L_{Aeq}1hr$  at the façade of nearby dwellings to be acceptable. Noise levels have been predicted for the same 44 receptors that were assessed as part of the application for the permitted Oldcourt solar farm (see Figure 8.3 in the PER). I am satisfied that the methodology used provides for a thorough assessment of all potential noise impacts from the proposed development.

12.8.4. During construction, the highest predicted noise level would be 41.2dB  $L_{Aeq}$  at receptor R31, c500m east of the construction compound, which is the nearest house to the east of the proposed substation site. The noise level at Oldcourt House (R41) a similar distance to the west of the substation is predicted to be 40.6dB  $L_{Aeq}$ . All of the 42 other receptors would experience lower noise levels. When these noise levels are compared to BS5228 and TII limits, I am satisfied that the construction noise emanating from the site would not be significant and would not have a significant effect on any receptors.

12.8.5. The operational phase NG4 assessment involves four steps as set out in the NG4 Guidelines. The first step determined that the site is not located in a 'quiet area' as it is less than 3km from the urban area of Edenderry. The second step was to prepare background noise levels, which was done and I have referred to those results previously. The third step was to examine the background noise levels recorded at NML1 and NML2, to see if they satisfy average daytime, evening and night-time background levels of less than 40, 35 and 30dB  $L_{AF90}$  respectively. Based on the noise assessment results, I am satisfied that the area in which the site is located is a 'low background noise' area. This is particularly noted at NML1 which is adjacent to Oldcourt House, while NML2 is closer to the busy R402 road, near the southern boundary of the permitted solar farm, and has higher background noise levels during the daytime and evening time. Step 4 determines appropriate noise criteria and being an area of 'low background noise' the daytime evening and night-time levels are 45dB, 40dB and 35dB respectively. The highest predicted operational noise level would be 21.9dB at R31, while levels of 21.1dB, 20.9dB and 20.7dB would be

recorded at R30, R41 (Oldcourt House) and R31. All other levels would be below 20dB. These level are all well below the recommended 30dB level from the WHO in order to achieve a good night's sleep and below the NG4 limits for low background noise areas as set out in step 4 of the NG4 Guidance. On the basis of the information provided in the applicants Noise Impact Assessment, I am satisfied that the operational phase of the development would not have a significant effect on any receptors.

12.8.6. Cumulative noise impacts were assessed for the proposed development together with the predicted noise levels from the permitted Oldcourt Solar Farm. Five of the forty four receptors that were originally assessed for ambient and background noise levels were further assessed to first establish cumulative sound levels. They are receptors R11, R31, R32, R41 and R42, which were deemed the be the receptors with the potential for the highest cumulative noise levels. The predicted future ambient sound level and the change in ambient sound level was calculated for each of the five receptors. The highest change in ambient sound level would be at R41 (Oldcourt House) which would experience an increase of 1.1 dB  $L_{Aeq}$  in the evening time and 1.8 dB  $L_{Aeq}$  at night to 37.8 Db  $L_{Aeq}$ . These change are both assessed as 'Minor', which would be consistent with the impact scale set out in table 8.3 of Chapter 8 'Noise', where changes in dB  $L_{Aeq}$  of between 1.0 and 2.9 are deemed to be barely perceptible and would have a minor impact in terms of significance. I concur with the assessment of the impact as being minor, as of change in noise level of 3 dB(A) is generally considered to be the smallest change noticeable to the human ear, effectively meaning that while there would be an increase in noise levels, it would not have a significant effect on any receptors.

12.8.7. While no significant noise impacts have been predicted and I am satisfied with the results set out in the applicant's noise impact assessment, the applicant proposed a number of mitigation measures including adhering to standard construction hours, loading and unloading away from sensitive receptors, using and maintaining quiet machinery, turning them off when not in use and establishing a noise complaints procedure, all as part of a Construction Management Plan. No additional mitigation was considered necessary for the operational phase.

12.8.8. The applicant's proposed noise mitigation measures do not stipulate any particular noise levels that should be adhered to as they have predicted daytime, evening and

nigh-time noise levels that would be below the noise limits provided in BS5228 and the TII guidelines 'Good Practice Guidance for the Treatment of Noise during the Planning of National Road Schemes', while the CEMP states that all Noise levels will be controlled in accordance with the principles of BS 5228:1984 Noise Control on Construction and Open Sites, which are 65 dB LAeq (Daytime 07:00-19:00), 55 dB LAeq (Evening 19:00-23:00) and 45 dB LAeq (Night-time 23:00-07:00)

12.8.9. Three of the conditions recommended by the environment section of Kildare County Council refer to Noise. I have previously addressed these conditions in section 4.2.12 of this report. They are:

- Proposed Condition No 4 states that 'Construction noise at noise sensitive locations not to give rise to sound pressure levels (Leq 15 minutes) that exceed 70 dB(A) (LAeq 1 hour) during work hours and 45 dB(A) (LAeq 1 hour) at all other times'
- Proposed condition No 5 states 'Operational noise not to give rise to sound pressure levels (Leq 15 minutes) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) and 45 dB(A) at any other time. No clearly audible tonal component or impulsive component in the noise emission from the development at any noise sensitive location. A detailed Noise Study, to be carried out within three months of the development being in full operation and at any other time as may be specified by Kildare Co. Council'.
- Proposed condition 11 states that 'Noise mitigation measures from section 8.20 of the PER to be implemented'.

12.8.10. In granting permission for the Oldcourt Solar Farm, Kildare County Council did not attach any specific noise related conditions stating particular noise limits that would be required to be adhered to during construction or operational phases of the solar farm.

12.8.11. With respect to construction noise, the predicted noise levels at all 44 receptors, as set out in Table 8.11 would be significantly below the levels suggested in KCC's condition No 4, while the predicted cumulative noise levels with the permitted solar farm would also be well below the levels proposed in Condition No 4. I do not however consider it appropriate to impose a condition on the construction phase of this development, as it is proposed to construct this development in tandem with the permitted solar farm and noise emanating from the construction of the solar

farm may be indivisible from noise created during the construction of the sub-station and in my opinion it would not be enforceable, which is one of the tests that must be considered by a planning authority as set out in section 7.3 of the Development Management Guidelines for Planning Authorities June 2007.

12.8.12. I am satisfied that neither the construction nor the operational phases of the proposed development would generate an unacceptable level of noise at any nearby receptors. Having regard to my conclusions in paragraph 12.8.4 (construction phase), 12.8.5 (operational phase) and 12.8.6 (cumulative with permitted Oldcourt Solar Farm) above, I am satisfied that the predicted noise levels from both the construction and operational phases of the substation would be well below levels that would cause disturbance or annoyance for any receptors. I am satisfied that it would be sufficient that the mitigation measures set out in the PER which I have referred to in paragraph 12.8.8 above would be sufficient to ensure that no significant effects would arise as a result of the construction or operational phases of the proposed development. I am satisfied that the proposed development would be acceptable in respect to construction and operational noise.

## **12.9. Landscape and Visual Impact**

12.9.1. The proposed development would be ancillary to and is necessary for the energisation of an already permitted 121.55ha solar farm, with an export capacity of 100MW. The Kildare County Development Plan contains significant policy supports for renewable energy developments, including the consideration of landscape impacts and impacts on protected or designated heritage areas and structures (Policy EC02). Objective EC O17 supports commercial-scale solar projects subject to environmental safeguards, including the protection of built heritage features, and views and prospects.

12.9.2. The proposed development is effectively an addendum to the permitted Oldcourt solar farm. The overground elements that could have a landscape or visual impact are the two 16m high masts, the substation and the 18m high lighting masts and telecommunications pole at 21.5m.

12.9.3. I note that the planning authority considered that subject to conditions, that the proposed development would not have a visual impact on the surrounding area, including scenic view no 26, subject to landscape mitigation measures, and that it

would not have an unacceptable landscape impact on the character of the landscape or on cultural or archaeological heritage.

- 12.9.4. I have reviewed Chapter 9 'Landscape and Visual Impact Assessment' of the applicant's Planning and Environmental Report (LVIA) as well as Appendix C – 'Landscape Plan – Mitigation Plan', Appendix N – 'Zone of Theoretical Visibility' and Appendix O – 'Landscape and Visual Assessment Photomontages', which includes six photomontages.
- 12.9.5. The LVIA methodology included a desk based study of relevant documentation, followed by a site visit, where the baseline landscape setting and conditions was defined. A 3km study area was selected as it would likely be difficult to discern the proposed development beyond 3km and not likely to give rise to significant landscape or visual impacts beyond c1km. Taking into account the relatively flat nature of the topography in the vicinity and the extensive nature of tree and hedgerow cover along local roads and around agricultural fields boundaries, I am satisfied that the proposed development would not have an impact beyond this distance and in most instances has an impact over a much less extensive area.
- 12.9.6. The site is located entirely within the 'North-Western Lowlands' Landscape Character Area in the Kildare Development Plan 2023-2029. The North West Lowlands', have a landscape sensitivity of Class 1 'Low Sensitivity' on a scale of 1 (low) to 5 (unique). Table 13.2 of the development plan describes such areas as areas with the capacity to generally accommodate a wide range of uses without significant adverse effects on the appearance or character of the area. Table 13.3.2 of the development plan lists project types and their compatibility with the North West Lowlands landscape. While electricity substations are not listed, both 'Major Powerlines' and 'Solar' development are deemed to have a high level of compatibility, which is the second most compatible of five levels of compatibility.
- 12.9.7. Following from the above, I note that the six viewpoints provided in Appendix O (see Figure 9.5 in the PER) indicate that neither the proposed development nor the permitted solar farm would be visible from local roads. This is a result of the intervening vegetation, including the presence of a forested area immediately to north of the proposed substation, while local road boundaries are generally marked by high hedges. I have viewed the viewpoint locations as part of my site visit, and I

am satisfied that the selected viewpoints and photomontages provide an accurate and acceptable representation of potential views of the site.

#### Substation

12.9.8. The proposed substation site would be located c730m south of the vehicular entrance. The tallest of the buildings would have a ridge height of 8.5m and would be c750m from the access point. It would also be shielded from view by intervening vegetation, while it is proposed to plant an area of 3,700sqm of low canopy woodland to the immediate west of the substation that would in time further reduce potential visibility from the west. In addition, the lighting and telecommunications poles, 18.0m and 21.5m high respectively, while tall, are narrow and would not have any significant visual or landscape impact due to their size and their location relative to receptors and the local road network. By reference to all six viewpoints, and having visited the site of the proposed substation, I am satisfied that the proposed substation would not have a negative visual or landscape impact.

#### End Masts

12.9.9. The proposed masts would be located closer to the access from the L-5019 at a distance of c390m to 420m and would be sited in the middle of an open agricultural field along the line of the existing Derryiron-Timahoe overhead line. The existing overhead line is carried on double timber polesets, whereas the proposed end masts would be 16m height and have a square base measuring 6.196m each side, which narrows to 1.6m at a height of 15m. While the masts would not be surrounded by vegetation, they would be located to the east, south and south west of the existing wooded area while the wooded area to the northeast, that surrounds Oldcourt House, would reduce or eliminate most views of the masts from the north and north west. The masts would be visible from houses located c700m to the west, but taking into account the presence of the existing line including multiple polesets as well as distance and intervening vegetation, I would not consider the proposed masts to be prominent features in the wider landscape. The views I am referring to are represented in VP3 in Appendix O to the PER.

12.9.10. I note that no objections to the proposal were raised by local residents including the residents of the houses to which views such as those shown in VP3 would be available and these receptors would also have views of some of the

already permitted solar farm. Having viewed this locations on the ground, I am satisfied that the proposed development would not have a significant negative effect on the amenities of the existing residences in the context of existing, permitted and planned infrastructure in the immediate vicinity.

#### Mitigation

12.9.11. Chapter 9.5 of the LVIA notes that the main mitigation is by avoidance and as well as retaining existing hedgerows, it is proposed to bolster them by under and inter planting to ensure consistent dense screening is available and that they would maintain the hedgerows up to 3-4m in height. This proposal is set out in the 'Landscape Plan – Mitigation Plan' and would apply around the perimeter of the substation site.

#### Impact assessment

12.9.12. The landscape receptor sensitivity, which includes heritage structures at Carbury Hill was deemed to be Medium-to-Low, while visual receptor sensitivity notes that scenic designations are a result of their elevated nature in the low lying landscape and that the most sensitive receptors are static ones, such as residences. Construction stage landscape impacts were deemed to be moderate to slight, on the basis of construction vehicles and earth mounds being visible on the site, while the duration of the effect would be short term. The construction stage visual impacts were deemed to be medium to low. Operational stage landscape effects would arise from an increased quantum of built development including the end masts and the lightning mast, which are relatively normal features in Ireland's rural landscape. The existing and proposed planting would facilitate the assimilation of the proposed structures into the landscape and any potential landscape effects would be medium to low and localised in their extent.

12.9.13. The magnitude of visual effects at the operational stage is assessed using the six viewpoints, with four viewpoints prepared for each location, being 1) existing view 2) outline view; 3) cumulative outline view with permitted solar farm; and 4) montage view where there would be visibility of the proposed structures. In all six viewpoints the development would not be visible, meaning that the pre mitigation significance, quality and duration of effect would be 'Imperceptible, Neutral and Medium' for each of the six viewpoints with the post mitigation duration of effect changing to 'long-

term'. Having visited the site and viewed the six viewpoints, which I consider to be a representative sample of potential viewpoints, I am satisfied that the proposed development would be acceptable and would not have a significant negative visual impact. I am also satisfied that that no significant cumulative impacts would arise as a result of the proposed development and the permitted Oldcourt Solar Farm, which would read together as a single development

12.9.14. In its submission, Kildare County Council specifically referenced Scenic view no. 26 and stated that the proposed development would not have a visual impact on it, subject to landscape mitigation measures. Scenic View 26 is described in Appendix 7 to the Kildare County Development Plan as 'Views from the county roads (L1005, L5019, L5018, L1006, L5017 and L5011) of Carbury Castle and Hill; Teelough road junction with the R402 and upland area at Mylerstown'. The L-5019 is the road from which the site access is proposed and I am satisfied that the proposed substation and masts would not be in the line of sight between the L5019 and the Carbury Castle, or between the Teelough road junction with the R402 and upland area at Mylerstown. Therefore I agree with the conclusion of Kildare County Council that the proposed development would not interfere with scenic view 26.

12.9.15. In conclusion, I am satisfied that the proposed development would not result in any significant visual or landscape impacts, and if the Coimisiún is minded to grant approval, I consider that it would be appropriate to attach a condition requiring the implement of the landscaping plan as proposed by the applicant in Appendix C to the Planning and Environmental Report. Kildare County Council had also recommended a condition to this effect be attached.

## **12.10. Traffic and Transport**

12.10.1. I have examined chapter 10 of the Planning and Environmental Report which addresses 'Traffic and Transport'. The development being applied for includes the same access that has already been permitted as part of the permitted solar farm application, where access will be taken from the local road to the north, the L5019. The introduction notes that traffic and transportation impacts associated with the permitted solar farm were considered acceptable by Kildare County Council, and that the permitted solar farm site incorporates the entire site of the proposed substation and grid connection.

- 12.10.2. Chapter 10 outlines that the types of traffic that would be generated by the proposed development would consist of HGVs and workers cars and vans with periodic servicing and maintenance being carried out generally by van. It assessed existing traffic data from the M4 Junction 9 that would form part of the haul route. Section 2.5 of the Planning and Environmental Report states that the haul route would likely utilize the M50, M4, R402, and L5019 to the site entrance.
- 12.10.3. The construction phase is expected to last 14 months and the majority of potential HGV construction traffic, which would generate an estimated 673 one way movements, is expected to occur in the first half of the construction period. Section 10.5.2 referring to abnormal loads states that such loads would be subject to pre-delivery survey and I am satisfied that should be Coimisiún be minded to grant permission that this matter could be addressed by way of a condition
- 12.10.4. TII had no observations on the application. The Transportation Department of Kildare County Council raised a number of concerns regarding cumulative traffic impact with the permitted solar farm, the suitability of the L5019 for carrying heavy goods and passing bays, which the applicant addressed in their response and I have addressed their responses in section 5.3.5 above. In that respect I do not consider that it would be necessary for this proposed development and the permitted solar farm to be carried out as two separate developments at different times. For instance a significant number of the of the traffic movements for the solar farm would relate to the construction of the access road that would also be constructed as part of the solar farm. I am satisfied that this matter could be addressed by way of a condition requiring a construction traffic management plan, should be Coimisiún be minded to grant approval.
- 12.10.5. The Transportation Department also proposed a series of conditions, which are set out in section 4.2.14 of this report, with the applicant's responses to each proposed condition addressed in section 5.3.6 above. The majority of the conditions are standard and I also note that the proposed conditions would address the other concerns that had been expressed by the transportation department as set out in section 5.3.5 of this report.
- 12.10.6. With respect to the matters of concern raised by the transportation department, and to proposed condition no 4 referring to the unsuitability of the L5019

for the movement of HGV traffic, I note the applicant's response that refers to condition no 21 of the grant of permission for the solar farm (P.A. Reg. Ref. 22/327) (see section 5.3.6 above), which requires pre and post development photographic and condition surveys of the L-5019, including that any damage to the road is repaired at the developers expense. As this proposed development is a constituent element of the permitted solar farm and it is intended that both development would be carried out as a single project I am satisfied that it would be appropriate to attach the same condition no 21 of that grant of permission, to this proposed development, if the Coimisiún is minded to grant approval.

12.10.7. I also note condition no 19 of the permitted solar farm which includes part (g) which states that a Construction Traffic Management Plan is to be submitted and will include:

- Detailed drawings for the layout and construction of the proposed entrance off the L-5019
- The provision of passing bays between the junction of the L-1006 and the L-5019 and the entrance of the site.
- Final details of a banksman controlled entrance and / or stop-go system on the L-5019 and the entrance of the site.
- Warning signage on the public road network to be in accordance with the Department of Transport, Tourism and Sport Traffic Signs Manual.

12.10.8. The submitted site location plan indicates that all land between the proposed entrance to the site from the L-5019 and the junction of the L-1006, on the southern side of the L-5019 is within the applicant's control and therefore the Coimisiún may attach a condition of the nature set out above and I consider that it would be appropriate that such a condition be attached, if the Coimisiún is minded to grant approval.

12.10.9. Kildare County Council's proposed condition no 6 states that sight lines are inadequate and that sightlines of 150m are required in each direction. There is a distance of c130m from the proposed entrance to the junction of the L-5019 and the L1006 to the west, so it would not be possible to provide 150m sightlines. In response to the proposed condition, the applicant noted that speed limits had been

reclassified and the speed limit is now 60kph, so a 90m sight line is required and is achievable. Speed limits were reduced from 80kph to 60kph on all local roads in Ireland from the 7<sup>th</sup> of February 2025. I concur with the applicant's response and am satisfied that adequate sightlines would be available from the proposed access.

12.10.10. KCC's proposed condition No 3 would require the applicant to submit drawings of passing bays along the haul route and letters of consent from relevant landowners. In addition, KCC's proposed conditions 10 and 11 would require the applicant to confirm all works on roads to accommodate abnormal load delivery (sign, shrub and public lighting removal and hardcore) to be reinstated post construction and letters of consent from landowners confirming agreement to any required hedge trimming. The proposed haul route would include the M4 and L402 both of which have adequate width and alignment to provide safe passage for all vehicles that would access the site as part of the proposed development. I have already addressed the final stretch of the road along the L-5019. The other section of the haul route is the L-1006 which extends northwards for a distance of 2,166m from the R402 to the L-5019. The L1006 road is a two way road with a width of c6m. In their response to submissions, the applicant stated that they do not consider that any additional consents are required for passing bay to accommodate traffic at this stage and that it would be addressed in a traffic management plan. For most HGV movements I am satisfied that the section of the haul route along the L1006 has sufficient capacity for movements to occur without any requirement for special traffic management arrangements. The applicant addressed abnormal loads in section 10.5.2 of the Traffic and Transport chapter of the PER. be required to deliver to the site, particularly in respect of the transformer, they stated that these works would involve temporary removal of street furniture and signage and will be subject to a pre-delivery survey. In addition, the undertaker would be required to obtain a permit for any abnormal load movements from each local authority through whose jurisdiction the vehicle shall travel. The undertaker would also be required to structurally assess all structures over which abnormal loads would travel, to agree haul routes in advance of travelling and to repair all and any damage caused by the movements. I am satisfied that this matter, including the haul route can be addressed by way of condition, should the Coimisiún be minded to grant approval.

12.10.11. KCC's proposed condition No 14 is a requirement that the applicant would liaise with local residents, businesses and schools. In response that applicant states that the required liaison plan would be in the CEMP and I am satisfied that this matter could be addressed by way of a condition if the Coimisiún is minded to grant approval.

### **12.11. Duration of Permission**

12.11.1. The applicant has applied for a 10 year permission. I note that the permission granted by Kildare County Council for the associated Oldcourt solar farm, under P.A. Reg. Ref. 22/327, was for a period of 10 years from the 22<sup>nd</sup> of September 2022.

12.11.2. Should this development be granted permission, it is likely that the two projects would be built at the same time, as that is how the applicant responded to the submission of the transportation department of Kildare County Council, which had suggested in proposed condition No 2, that the proposed development and the permitted solar farm would be required to be carried out separately, in order to reduce the effects of construction traffic on the surrounding road network. I have addressed traffic in section 12.10 above and do not concur with the condition proposed by the transport department.

12.11.3. A 10-year planning permission would be consistent with previous decisions of the Coimisiún in respect of similar substation developments and I consider a ten-year permission to be reasonable. The duration of the permission can be addressed by way of a condition if the Coimisiún is minded to grant approval.

### **12.12. Reprofilng**

12.12.1. Part of the development includes reprofiling of the land at the site of the proposed substation and the temporary construction compound. Sections 2.7.11 and 5.5.2.1 of the Planning and Environmental report sets that it will be necessary to cut volume of 2244.2m<sup>3</sup>, and fill volume of 2251.7m<sup>3</sup>, in order to achieve the finished compound level. This is illustrated in Planning Drawing No's. 051065-DR-100A and 100B, which are the 'Cut & Fill Plan View' and the 'Cut & Fill Sections'. If there is any additional soil, it would be used as part of the proposed landscaping. As the

required fill volume is greater than the required cut volume, I am satisfied that this element of the development would have no impacts outside of the site.

12.12.2. I have also considered reprofiling in the context of re-contouring of land in Appendix 1 (Appendix 1 - Form 1 - EIA Pre-Screening) and Appendix 2 (Form 2 - EIA Preliminary Examination). I concluded that mandatory EIA would not be necessary due to the areas, which it is proposed to reprofile/recontour over an area of c2.12ha. I also concluded that it is not necessary to carry out a screening determination in respect of this element of the proposed development would not constitute an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011. It would, however, be consistent with a project for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an where re-contouring is below 5 hectares. In that respect, a preliminary examination was carried out and I concluded that there is no real likelihood of significant effects on the environment. As a result of the proposed development either on its own or cumulatively with the adjacent permitted Oldcourt solar farm, EIA is not required.

### **12.13. Proposed Conditions**

12.13.1. I have already addressed proposed archaeological, traffic and noise in earlier sections of my assessment, while the majority of conditions proposed by Kildare County Council and the DAU are standard ones and would be capable of being captured under standard conditions, if the Coimisiún is minded to grant approval, I would however like to address a number of specific conditions that have been proposed by Kildare County Council

#### Environment Conditions

12.13.2. I note proposed condition No 2 referenced a construction and demolition plan resource waste management plan. In response, the applicant noted that there would be no demolition and I am satisfied that they are correct in that regard. The means of handling waste during construction can be addressed as part of a Construction Environmental Management Plan, which I am satisfied can be addressed by way of a condition.

12.13.3. I note that proposed condition No 8 proposes to attach a condition regarding authorisation under Section 39 of the Waste Management Act to import waste soil

and stone for landraising and landscaping. The applicant does not indicate that any material is to be imported and I have addressed this matter in paragraph 12.12 above, where it has been calculated that cut of 2,244.23 cubic metres would be required and a fill of 2,251.7 cubic metres. The quantity of unaccounted for fill is 7.5 cubic metres. I note section 7.8 'Conditions relating to other codes' of the 'Development Management –Guidelines for Planning Authorities' 2007, which states that 'the existence of a planning condition, or its omission, will not free a developer from his or her responsibilities under other codes and it is entirely wrong to use the development management process to attempt to force a developer to apply for other some licence, approval, consent, etc'. In that context, and on the basis of the information provided by the applicant, I do not consider that it would be necessary to attach a condition regarding authorisation under Section 39 of the Waste Management Act.

12.14. Similarly, with respect to the Fire service I do not consider it necessary to attach a condition requiring the applicant to apply for a Fire Safety Certificates, under the Building Control act as it is a separate code to Planning.

12.14.1. The other proposed environment conditions can be addressed by way of conditions if the Coimisiún is minded to grant approval.

#### Transportation Conditions

12.14.2. The first proposed transportation condition refers to traffic impact assessment and traffic management plan taking account of the permitted solar farm. The applicant has indicated in their response to submission that the two developments would be carried out together and this would be contrary to the second proposed condition which would require the substation and solar farm to be carried out separately. I do not consider that it would be necessary to build the two developments at different times as they are interdependent and would share much of the same access infrastructure. I am satisfied that it would not be appropriate to attach a condition requiring a traffic impact assessment and management plan for this development.

#### Water Services conditions

12.14.3. In respect to proposed condition No. 4, I have noted a conflict in that the 'Landscape Plan - Mitigation Plan (Appendix C)' indicates that 3,700sqm of land to

the immediate west of the proposed substation would be planted with trees while the 'Surface Water Management Plan (Appendix J)' indicates that the same area would host a 1m deep attenuation pond. I consider that this matter can be addressed by way of a condition if the Coimisiún is minded to grant approval. I am also satisfied that the means of a water supply to the site can be addressed by way of a condition.

#### Development Contributions

- 12.14.4. In its submission on the application, the Kildare County Council recommended the attachment of a development contribution under Section 48 of the Development Contribution Scheme 2023-2029. It does not specify an amount and refers to an attached note on calculating the development contribution in Appendix 1. No calculations are attached in Appendix 1 to the Chief Executives Report.
- 12.14.5. The introduction to the Kildare Development Contributions Scheme 2023 states that Section 48 of the Planning and Development Act 2000 (as amended) enables the Planning Authority, when granting planning permission under Section 34 of the Act, to include conditions requiring the payment of a contribution in respect of public infrastructure and facilities benefiting development in the area.
- 12.14.6. This is not an application for permission under Section 34 of the Act. It is an application for approval, which has been submitted to the Coimisiún under Section 182A of the Planning and Development Act 2000 (as amended) and the provisions of Section 48 do not apply to it. For that reason, I am satisfied that the provisions of the Section 48 development contribution scheme do not apply to the proposed development and that it would not be appropriate to attach a condition requiring the payment of a development contribution.

#### **12.15. Name of Overhead Line**

- 12.15.1. The pre application consultation request and the SID determination issued by the Coimisiún under ABP-319140-24 refers specifically to the Derryiron – Timahoe 110kv Circuit. The Timahoe substation was built to service a solar farm along the Derryiron – Maynooth 110kv circuit.
- 12.15.2. In the Planning and Environmental Report and in several of its appendices the overhead line is referred as the Derryiron to Maynooth 110kV circuit and in one instance in Chapter 7 Cultural I have reviewed the route of the overhead line to

which it is proposed to connect the substation via two end masts and I am satisfied that the Derryiron -Timahoe 110kV circuit and the Derryiron to Maynooth circuit are one and the same circuit.

## **13.0 Appropriate Assessment**

### **13.1. Screening Determination**

13.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening report, I conclude that it is not possible to exclude that the proposed development alone would give rise to significant effects on River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) in view of the conservation objectives of the sites. Appropriate Assessment is required.

13.1.2. This determination is based on:

- The nature and scale of the proposed development/works.
- The hydrological connectivity between the application site and the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) and the potential for significant effects on QI habitats and QI species, by way of pollution and deterioration of water quality.

### **13.2. Appropriate Assessment Conclusion: Integrity Test**

13.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) in view of the conservation objectives of the sites and that Appropriate Assessment under the provisions of S177U of the Planning and Development Act 2000 (as amended) was required.

13.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account the submission of Kildare County Council, I consider that adverse effects on the site integrity of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) can be excluded in view of the conservation objectives of the

sites and that no reasonable scientific doubt remains as to the absence of such effects.

13.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- An assessment of in-combination effects with other plans and projects.
- No significant effects on the qualifying interests of European sites or supporting habitats, arising from the project.
- The proposed development will not affect the attainment of conservation objectives for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) or prevent or delay the restoration of favourable conservation condition restoration of favourable conservation condition for identified Qualifying Interests.
- The effectiveness of mitigation measures proposed in the NIS.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).

## 14.0 Recommendation

14.1. I recommend that the Coimisiún Approve the application for the proposed development for the following reasons and considerations, subject to the conditions set out below:

## 15.0 Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national

adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

The Commission also had regard to the following in coming to its decision:

- European legislation, including of particular relevance:
  - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
  - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
  - Directive 2000/60/EC, the Water Framework Directive, and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
- National and regional planning and related policy, including:
  - National policy with regard to the transition to a carbon neutral and climate resilient society, particularly the National Planning Framework First Revision 2025 and National Policy Objective 71.
  - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
  - Regional Spatial and Economic Strategy (RSES) for the Eastern & Midland Regional Assembly 2019-2031
  - Kildare County Development Plan 2023-2029.
- Other relevant national policy and guidance documents including:
  - Kildare Climate Action Plan 2024-2029

- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
- The Natura Impact Statement submitted with the planning application.
- The submissions and observations made in connection with the planning application and the submissions on the application.
- The response to the submissions received from the applicant on the 3<sup>rd</sup> day of September 2025 in respect of submissions received in respect of the application.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment and the Water Framework Directive.
- The planning history of the immediate area, including the permitted Oldcourt solar PV farm (Planning Authority Register Reference Number 22/327), that includes the site of the proposed development. This substation development will serve as the grid connection for this generating asset infrastructure.

**Appropriate Assessment: Stage 1:**

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Planning Inspector's report, and the submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) are the only European Sites in respect of which the proposed development has the potential to have a significant

effect in view of the conservation objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

### **Appropriate Assessment: Stage 2:**

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232), in view of the conservation objectives of the sites. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

- (i) the likely direct and indirect impacts arising from the proposed development either individually or in combination with other plans or projects,
- (ii) the mitigation measures which are included as part of the current proposal, and
- (iii) the conservation objectives for the European Sites.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the conservation objectives of the sites. In overall conclusion, the Commission was satisfied that the proposed development, either by itself or in combination with other plans or projects, would not adversely affect the integrity of the River Boyne and River Blackwater SAC (Site Code 002299) or the River Boyne and River Blackwater SPA (Site Code 004232), in view of the conservation objectives of the sites.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, 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 or

residential amenities of the area including designated views and prospects and scenic routes, would be acceptable in terms of public health and traffic safety, would not have undue impacts on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy, would contribute to the resilience of the energy distribution network and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 16.0 Conditions

- 1 The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and the response to submissions received by the Coimisiún on the 3<sup>rd</sup> day of September 2025, 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 undertaker shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

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

**Reason:** Having regard to the nature of the development and its interdependent relationship to other developments, the Commission considers it appropriate to specify a period of validity of this consent in excess of five years.

- 3 All of the mitigation and monitoring measures and set out in the Construction Environmental Management Plan (CEMP), the Natura Impact Statement, and

the following sections of the Planning and Environmental Report (PER), Chapter 4 –‘Biodiversity’, Chapter 5 –‘Soils and Geology’; Chapter 6 – ‘Hydrology’; Chapter 8 – ‘Noise’; Chapter 9 –‘Landscape and Visual Impact Assessment and Chapter 10 - Traffic and Transport’, and appendices to the PER shall be implemented in full by the developer in conjunction with the timelines set out therein except as may otherwise be required to comply with the conditions of this Order.

**Reason:** In the interests of clarity and of the protection of the environment including the integrity of European Sites during the construction and operational phases of the development.

- 4 The construction of the development shall be managed in accordance with a Final Construction Environmental Management Plan, incorporating a traffic management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate all mitigation measures set out in the application documentation and provide details of intended construction practice for the development, including:
  - (a) Location of site and material compound (s) including areas (s) identified for the storage of construction refuse, site offices, construction parking and staff facilities, re-fuelling arrangements, security fencing and hoardings;
  - (b) a comprehensive construction phase traffic management plan including details of the timing and routing of construction traffic to and from the construction site and associated signage, to include proposals to facilitate the delivery of abnormal or exceptional abnormal loads to the site. The traffic management plan will also address the cumulative traffic impact of the proposed development and the permitted Oldcourt solar farm (P.A> Register Reference Number 22/327).
  - (c) include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in Chapter 7 Cultural Heritage of the Planning and Environmental Report. The CEMP shall clearly describe all identified likely archaeological impacts, both direct

and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.

- (d) measures to prevent the spillage or deposit of clay, rubble, or other debris on the public road network;
- (e) details of appropriate mitigation measures for noise and dust, and monitoring of such levels;
- (f) containment of all construction related fuel and oil within specifically constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater;
- (g) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (h) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses;
- (i) an audit list of all construction and operational mitigation measures, their timelines for implementation and responsibility for reporting.
- (j) 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.
- (k) Details of all proposed monitoring measures.
- (l) A liaison plan in respect of local residents to keep them informed of impending disruption to traffic flow in the area.

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

- 5 Prior to the commencement of development, the undertaker shall submit to the Planning Authority a photographic and condition survey of the L-5019 local road at the vehicular entrance and submit upgrade proposals for the L-5019 local road, as deemed required. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction

Once the development has been completed, the undertaker shall submit a post construction photographic and condition survey of the L-5019 local road to be compared to the pre-construction condition survey. Any damage to the L-5019 local road caused by the development shall be repaired by, and the costs of such repairs shall be borne by the undertaker.

**Reason:** In the interest of clarity, traffic safety and to ensure a satisfactory standard of development.

- 6 The landscaping scheme shown on the 'Landscape Plan – Mitigation Plan' drawing Ref. LD.OLDCOURT 110kV SUBSTATION' dated Apr 2025, shall be carried out within the first planting season following substantial completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In order to screen the development, in the interest of visual amenity.

- 7 The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation at all areas of proposed ground disturbance (including temporary measures such as construction compounds or crane bases) and to submit an Archaeological Impact Assessment Report for the written agreement of the Planning Authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. Please note:
- a. The Archaeological Geophysical Survey must be carried out under licence from the National Monuments Service and in accordance with an approved Method Statement. Having completed the work, the Archaeologist shall submit a written report to the Department and to the Planning Authority

describing the results of the Archaeological Geophysical Survey.

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

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation in-situ or by record and protection of any archaeological remains that may exist within the site

- 8 Water supply, foul drainage and the attenuation and disposal of surface water which shall also provide for appropriate Sustainable Urban Drainage Systems (SuDS), with a 30% allowance for climate change, shall comply with the requirements of the planning authority for such works and details in respect thereof shall be submitted to and agreed in writing with the planning authority

prior to the commencement of development. As part of the submission, a revised 'Landscape Plan - Mitigation Plan (Appendix C)' and a revised 'Surface Water Management Plan (Appendix J)' shall be submitted to address the conflict between the proposals to provide landscaping and an infiltration basin in the same location to the west of the proposed substation.

**Reason:** To ensure adequate servicing of the development, to prevent pollution and in the interest of clarity.

- 9 Prior to the commencement of development, the undertaker shall submit to and agree in writing with the planning authority details of any proposed staff welfare to serve the site once operational.

**Reason:** In the interest of public health.

- 10 A bat survey shall be undertaken prior to the commencement of development. The methodology and timing shall be agreed in advance, in writing, with the planning authority. The survey shall be undertaken by an ecologist with appropriate qualifications, training and experience in bat surveys. The survey report shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Should the bat survey determine that a derogation is required under regulation 54 of the European Communities Birds and Natural Habitats Regulations 2011, development shall not proceed until the derogation has been obtained.

**Reason:** To monitor bat species in the area during times of activity.

- 11 The construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes', published by the National Roads Authority in 2006. In particular, there shall be no piling of foundations within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.

**Reason:** In the interest of wildlife protection.

- 12 A detailed lighting plan for the site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

**Reason** On the interest of residential amenity and to reduce the impact of the proposed development on nocturnal species.

- 13 The undertaker shall comply with the following requirements:
- b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or roads.
  - d) All fencing, gates and exposed metalwork shall be dark green in colour. The roofs of the buildings within the substation compound shall be dark grey or black and the external walls shall be finished in neutral colours such as grey or off-white.

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

- 14 Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays 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.

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.

---

Joe Bonner

Senior Planning Inspector

18<sup>th</sup> of December 2025

## Appendix 1 - Form 1 - EIA Pre-Screening

<b>Case Reference</b>	<b>322503-25</b>
<b>Proposed Development Summary</b>	10-year permission for a 110kV substation, grid connection and ancillary works
<b>Development Address</b>	Oldcourt, Edenderry, County Kildare
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	

<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.  <b>No Screening required.</b>	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.  <b>EIA is Mandatory. No Screening Required</b>	<b>State the Class and state the relevant threshold</b>
<input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.  <b>Preliminary examination required. (Form 2)</b>  <b>OR</b>  <b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b>	<b>Class 1 (a) of Part 2 of Schedule 5</b> to the Planning and Development Regulations refers to:  Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares  The proposed development involves: <ul style="list-style-type: none"> <li>• Removal of c41m of trees/hedgerow for access to the site from the L5109 road, for access to the proposed substation and an additional c25m when the permitted solar farm is considered.</li> <li>• re-contouring (site reprofiling) to take place.</li> </ul>

<b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b>	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	<b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

<b>Case Reference</b>	<b>ABP-322503-25</b>
<b>Proposed Development Summary</b>	10-year permission for a 110kV substation, grid connection and ancillary works
<b>Development Address</b>	Oldcourt, Edenderry, County Kildare
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector’s Report attached herewith.</b>	
<p><b>Characteristics of proposed development</b></p> <p>(In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).</p>	<p>The overall site area including the access track, OHL masts, substation compound and temporary construction compound is c11.4 hectares. The land is current agricultural in nature and lies entirely within the site of the permitted Oldcourt solar farm (P.A. Reg. Ref. 22/327), which extends over an area of 121.55ha and includes other lands to the north, south east and west of the proposed substation. The permitted solar farm would have a maximum export capacity to the national grid of c.100MW.</p> <p>The site and the site of the permitted Oldcourt solar farm, comprise a series of agricultural field enclosed by a mixture of hedgerows and trees and have been used most recently for the growing of crops. The surrounding area is primarily agricultural and is a relatively flat rural landscape. While the proposed development and the permitted Oldcourt solar farm would extend across a relatively large area, the extent of hedgerow boundary removal is minimal and not exceptional in the context of this rural area. As per section 4.14 of the Planning and Environmental Report, the proposed development would involve the removal of 26m of treeline to facilitate a new access track into the site of the proposed substation, while a further c25m would be removed at the north western corner of the same field as part of the permitted solar farm development. 50sqm of willow scrub will also be removed to facilitate proposed construction compound. A further section of c15m hedgerow and a number of trees would be required to be removed to facilitate the site entrance, which although forming part of this application, has already been permitted</p>

	<p>as part of the permitted Oldcourt solar farm development. Other small sections of trees and hedging would also be removed as part of the solar farm development. In total, c.41 linear meters of trees and hedgerow would be removed as part of the substation/grid connection application. This tree and hedgerow removal in the overall solar farm site would be offset by the reinforcement of existing hedgerows, the planting of additional hedging and trees, as well as small wildflower meadows. As part of this application, it is proposed in the 'Landscape Plan – Mitigation Plan' to plant a 3,700sqm block of low canopy woodland mix to comprise of a native whip planting mix and advanced nursery stock, to the west of the proposed substation compound and immediately to its west, and it is proposed to infill and bolster the existing hedgerows and trees up to 5m in width. This enhanced hedgerow would be located immediately to the north of the 26m section of hedgerow that is to proposed to be removed to facilitate the site access.</p> <p>Sections 2.7.11 and 5.5.2.1 of the Planning and Environmental report sets that it will be necessary to cut volume of 2244.2 cubic metres, and fill volume of 2251.7 cubic metres, in order to achieve the finished compound level. This is illustrated in Planning Drawing No's. 051065-DR-100A and 100B, which are the 'Cut &amp; Fill Plan View' and the 'Cut &amp; Fill Sections'. If there is any surplus soil, it would be used as part of the proposed landscaping.</p> <p>Class 1 (a) of Part 2 of Schedule 5 to the Planning and Development Regulations 2001 (as amended) refers to mandatory EIA being required for recontouring of an area above 5ha. The Environmental Impact Assessment (Agriculture) Regulations Information Leaflet for Farmers, issued by the Department of Agricultural, Food and the Marine provides EIA guidance and states that 'Recontouring of land covers, for example, levelling off hills or infilling of hollows (by removing or shifting earth or rock that originates from within the farm-holding)'. The area to be recontoured / reprofiled would be c2.12ha, which is 42.4 percent of the threshold.</p> <p>Necessary fill material for the access track and substation compound is estimated to require 525</p>
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	<p>HGV loads. I also noted that the site is relatively flat, and that the levelling of the existing surface will not require cut or fill of any more than 0.5m. In addition to the above, the proposed solar farm would not require any significant excavation that would constitute recontouring.</p> <p>Limited waste would be generated during the construction phase and this would be segregated, stored and disposed of appropriately and best practice measures would be put in place.</p> <p>Surface water drainage proposals for the substation area include a series of filter drains, that would feed into a surface water sewer before flowing into an permanent infiltration basin with a depth of 1m and a volume of 415 cubic metres. During the construction phase a temporary swale would be excavated around the perimeter of both the substation compound and the construction compound. Water from the access tracks would be controlled by excavating swales to prevent upslope water interacting with the tracks, while capturing downslope water and silt that flows off the track surfaces.</p> <p>The construction and operational phases of the proposed development and the future decommissioning of the adjacent Oldcourt solar farm would not result in any significant emissions to the environment. During the decommissioning phase of the solar farm, the substation and grid connection would remain in operation as an EirGrid asset.</p>
<p><b>Location of development</b></p> <p>(The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature</p>	<p>The proposed development is not located on, in or adjacent to any European site or any other ecologically sensitive site or location. The nearest European sites with a source-pathway-receptor are the hydrologically linked River Boyne and River Blackwater SAC (Site Code 002299) and River Boyne and River Blackwater SPA (Site Code 004232), which are 11km north and 19km hydrologically from the site.</p> <p>Following an Appropriate Assessment screening and NIS, it has been concluded that the proposed development, alone or in combination with other</p>

<p>reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>plans or projects, would not adversely affect the integrity of any European sites, in view of their Conservation Objectives.</p> <p>With respect to cumulative Landscape and Visual Impact, Chapter 9 of the Planning and Environmental Report sets out that it would be very difficult to afford any visibility of the proposed substation due its notable offsets from any nearby landscape and visual receptors and the high degree of screening in the surrounding intervening landscape. Therefore any notable cumulative landscape effects of the proposed development and the permitted Oldcourt solar farm would be heavily diminished by the heavily screened nature of the proposed substation development. The 110kV substation and grid connection, underground cabling and other ancillary development are not considered to give rise to any significant residual impacts.</p>
<p><b>Types and characteristics of potential impacts</b></p> <p>(Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>A construction Environmental Management Plan (CEMP) is appended to the Planning and Environmental Report (PER) and addresses the following environmental issues:</p> <p>Habitats and Biodiversity; Surface Water Management; Soil Structure Protection; Wastewater and Water supply monitoring and control; Waste and Resource Management including Circular Economy; Emissions to Air; Noise and Vibration; Emergency Environmental Response; Method Statements and Risk Assessments; Traffic and Transport</p> <p>The potential effects set out in the individual chapters of the PER are addressed below as well as proposed mitigation measures.</p> <p><u>Biodiversity</u></p> <p>Mitigation was built into the design process in order to avoid impacts as much as possible.</p> <p>The extent of proposed tree and hedgerow removal is not significant and would consist of that required for the proposed access arrangements onto the public road and the internal access road connection to the substation compound. The extent of hedgerows removal is minor (with an overall loss of c41m) to facilitate the access from the L5019 and</p>

	<p>the access to the substation compound and is significantly below the threshold of 4km for EIA that was reinserted by the 2023 amending regulations. The tree/hedgerow removal is associated with access requirements and would not result in the amalgamation or enlargement of existing fields. Significant effects on biodiversity are not likely as a result of such works.</p> <p>The development would involve what is described in the public notices as reprofiling, which is in effect recontouring of lands. As previously stated, the Department of Agricultural, Food and the Marine provides EIA guidance states that 'Re-contouring of land covers, for example, levelling off hills or infilling of hollows (by removing or shifting earth or rock that originates from within the farm-holding)'</p> <p>The area to be recontoured / reprofiled would be c2.12ha, is 42.4 percent of the 5 hectare threshold. The reprofiling is designed to facilitate the laying of hardcore and the construction of the substation which will require localised levelling and foundation works, but I consider, by reference to the submitted plan and section that these works are not significant in nature.</p> <p>While I note that a screening threshold of 2ha is set out in the 2011 EIA (Agricultural) Regulations, and the area to be reprofiled/recontoured is in excess of 2ha, the wording of the relevant class of Schedule 2 means that this threshold does not apply to the proposed development. As it would not be an agricultural activity, but would constitute a project for the restructuring of rural land holdings, undertaken as part of a wider proposed development, where re-contouring is below 5 hectares</p> <p>The development does not involve any restructuring through the removal of field boundaries on an area over 50 hectares. Although the proposed development and the permitted solar farm extend to a total of 121.55ha, the development itself only involves the removal of a minor amount of hedgerow and does not involve any notable restructuring. The extent of hedgerow removal is not significant and generally amounts to that required for the proposed</p>
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	<p>access arrangements onto the public road and the internal access tracks.</p> <p>No significant impacts are likely for habitats and flora, badgers, or bats. Without mitigation, potential impacts on the hydrologically linked River Boyne could be significant. The operational phase would have a net beneficial impact for habitats and fauna following implementation of the landscape management plan and a cessation of intensive agriculture both on the site and the adjacent permitted solar farm. Other mitigation would include no works within 5m of treelines and woodlands, buffer strips, areas to be felled or cleared outside of the bird breeding season, pre-construction badger survey and controlled closure of setts, as well as pre construction tree survey for bats and bat boxes. The CEMP sets out measures to protect watercourses, including best practice to avoid the spread of invasive species.</p> <p>No significant cumulative effects are anticipated with the permitted solar farm, while no significant residual adverse effects are expected following the implementation of mitigation measures.</p> <p><u>Soil and Geology</u></p> <p>Mitigation has been built into the design process and would include careful handling, storage and reuse of all excavated material, attenuation and daily monitoring of excavations. Other measures include avoidance of contamination, careful handling of concrete, oils and lubricants and the implementation of emergency response procedures.</p> <p>Following mitigation, no significant negative impacts on the geology and soils of the site are anticipated.</p> <p>A potential significant negative impact was identified via a significant risk of hydrocarbon contamination of soils and from chemical toilets in the eventual and likely migration to surface water systems is addressed in respect of hydrology.</p> <p><u>Hydrology</u></p> <p>Impacts identified are changes to runoff by the addition of temporary and permanent impermeable</p>
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surfaces and compaction of soils, changes to water quality due to excavation and stripping of soil, while the use of chemicals, fuels, oils, cements and the chemical toilets have the potential to enter surface waters. The absence of nutrient spreading during operation would have a beneficial effect. The culverting of watercourses could change sediment dynamics and have an adverse effect on waterflows.

Drainage measures form part of the design, while mitigation would include implementing the drainage plan (Appendix J), providing riparian buffers and implementing the Water Pollution Prevention Plan (Appendix I). The discharge of surface water would not exceed the pre-development greenfield runoff rate; there would be no permanent welfare facilities and SuDS features would be regularly checked.

No significant residual effects are likely.

#### Cultural Heritage

The nearest recorded monument is 950m south, while Oldcourt House, a protected structure, lies 520 metres northwest of the proposed substation. No significant effects are projected for any cultural heritage features assessed as part of the application and no significant residual effects are predicted, either during the construction or operational phases.

#### Noise

A detailed noise assessment was carried out that determined that predicted noise levels from the operation of the site will comply with the criteria as set out in NG4 and are below night-time noise guideline value of 40 dB specified in the World Health Organization (WHO) for all 44 receptors. Cumulative noise impacts at the five most impacts receptors, with impacts predicted to be negligible to minor during evenings and at night.

Mitigation measures would include standard working hours, using quieter construction methods and muffled equipment, locate works as far as possible from receptors, turn off equipment not in use, maintain equipment and establish a noise complaint handling procedure. No significant impacts are anticipated.

	<p><u>Landscape and Visual Impact</u></p> <p>Six viewpoints were selected for assessment. Due to intervening vegetation, the visual effect of the proposed development was deemed to be negligible both pre and post mitigation and would be Imperceptible / neutral / long-term in terms of significance, quality and duration of effect.</p> <p>Regarding cumulative visual effects with the permitted solar farm, notable offsets from any nearby landscape and visual receptors and the high degree of screening in the surrounding intervening landscape means that it would be very difficult to afford any visibility of the proposed substation or the masts.</p> <p>The combined developments would become noticeable single land use, notable impacts on the surround landscape character would be heavily diminished by the heavily screened nature of the proposed substation development. No significant cumulative impacts are predicted.</p> <p><u>Traffic and Transport</u></p> <p>Potential effects would relate to additional HGV and traffic movements on the local road network during both the construction and operational phases as well as abnormal load deliveries.</p> <p>After mitigation, which would involve controlled traffic movements to and from the site, wheel wash facilities, controlling dust generating activities during windy weather and covering vehicles the residual effects have been assessed as imperceptible/slight, negative and short-term in nature.</p>
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**Conclusion**

Having considered the nature and scale of the proposed development, the likely significant impacts and proposed mitigation measures as well as the extent of boundary to be cleared and the extent of land to be recontoured, I am satisfied that There is no real likelihood of significant effects on the environment. as a result of the proposed development either on its own or cumulatively with the adjacent permitted Oldcourt solar farm and that EIA is not required.

<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
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<p><b>There is no real likelihood of significant effects on the environment.</b></p>	<p><b>EIA is not required.</b></p>
<p><b>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</b></p>	
<p><b>There is a real likelihood of significant effects on the environment.</b></p>	

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Appendix 3 - Screening for Appropriate Assessment -Test for likely significant effects

### Step 1: Description of the project and local site characteristics

Case File: ABP-322503-25

<p><b>Brief description of project</b></p>	<p>Direct application to the Coimisiún for Approval under Section 182A of the Planning and Development Act 2000 (as amended) for a 110kv substation, grid connection and ancillary works.</p>
<p><b>Brief description of development site characteristics and potential impact mechanisms</b></p>	<p>It is proposed to construct a 110kV substation and grid connection to facilitate the energisation of a permitted Oldcourt Solar Farm (KCC P.A. Ref. 22/237).</p> <p>A detailed description of the proposed development is provided in Section 3.0 of the Inspector's report and detailed specifications of the proposal are provided in the 'Screening for Appropriate Assessment and Natura Impact Statement' and other planning documents provided by the applicant as part of the Planning and Environmental Report.</p> <p>The site has an overall area of 11.41ha and the proposed substation would be located c730m south of the proposed vehicular entrance from the L-5019 local road, while the underground cable routes would run northwards from the substation to the two masts, which would be located c390-420m south of the L-5019</p> <p>In summary, the proposed development will consist of (i) 110kV Air Insulated Substation; (ii) Eirgrid compound and single storey building; (iii) IPP compound and single storey IPP building; (vi) 500m of double circuit 110kV underground cable in two trenches and 2 new steel line cable interface masts; (vii) vehicular entrance and access track; (viii) two culverts, (ix) temporary construction compound; (x) surface water drainage and water services; (xi) site reprofiling; (xii) site restoration and landscaping; (xiii) Security fencing, external parking, lightning protection, CCTV, security lighting and all ancillary site works; (xiv) upgrade and widening of existing field access to facilitate the transformer and associated electrical infrastructure for the substation; (xv) all associated site development works.</p> <p>The Boyne_10 (Kishawanny Upper watercourse) runs north to south along the eastern edge of the field in which the proposed substation is to be located. In turn, the stream flows into the River Boyne approximately 2.3km downstream, which in turn becomes the River Boyne and Blackwater SAC and the River Boyne and Blackwater SPA, c19km from the site.</p>

<b>Screening report</b>	Yes. (Prepared by BioSphere Environmental Services)
<b>Natura Impact Statement</b>	Yes. (Prepared by BioSphere Environmental Services)
<b>Relevant submissions</b>	The Kildare County Council Ecologist's report, which formed part of the Councils submission on the application, stated that they are 'satisfied with the conclusion of the AA Screening and NIS that there will be no adverse impact to any European Site as a result of the proposed works provided the mitigations as outlined in the NIS report are implemented as described'.

## Step 2. Identification of relevant European sites using the Source-pathway-receptor model

For an effect to occur, all three elements of the source-pathway-receptor mechanism must be in place and the absence or removal of one of the elements of the mechanism means there is no likelihood for an effect to occur. European sites are considered to lie within the ZOI of the Proposed Development either due to proximity, hydrological linkage or potential ecological pathways linking to the QIs / SCIs of the site.

Four European sites, consisting of three SAC's and one SPA were identified in the applicant's AA Screening Report as being located within a potential zone of influence of the proposed development. They are detailed in Table 1 below. The European sites included in the initial screening consideration are the only sites located within 15km of the development site. The applicant's screening also sets out the potential linking impact pathways.

In table 1 below, I have included the sites that are included in the applicant's Screening Report. There is no ecological justification for consideration of any other European sites.

**Table 1**

<b>European Site (code)</b>	<b>Qualifying interests<sup>1</sup> Link to conservation objectives (NPWS, date)</b>	<b>Distance from proposed development (km)</b>	<b>Ecological connections<sup>2</sup></b>	<b>Consider further in screening<sup>3</sup> Y/N</b>
River Boyne and River Blackwater SAC (site code 002299)	Alkaline fens (7230) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) (91E0)* Lampetra fluviatilis (River Lamprey) (1099) Salmo salar (Salmon) (1106) Lutra lutra (Otter) (1355) <a href="https://www.npws.ie/protected-sites/search/by-code?code=2299">https://www.npws.ie/protected-sites/search/by-code?code=2299</a> (December 2021)	Distance: 11km Hydrological Distance: approx. c19km	Yes. Hydrological connectivity via the stream (Boyne_10) that flows southwards along the eastern edge of the field in which the substation is to be located in turn flows into the River Boyne c 2.3km to the south of the site. The River Boyne SAC starts c19km from the site.	Y
River Boyne and River	Kingfisher ( <i>Alcedo atthis</i> ) (A229)	As above	As above	Y

Blackwater SPA (site code 004232)	<a href="https://www.npws.ie/protected-sites/spa/004232">https://www.npws.ie/protected-sites/spa/004232</a> (July 2024)			
The Long Derries, Edenderry SAC (site code: 000925)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) (6210)  <a href="https://www.npws.ie/protected-sites/sac/000925">https://www.npws.ie/protected-sites/sac/000925</a> (November 2021)	Distance: 4.7km  Hydrological Distance: No Hydrological Connectivity	There is no direct, ecological or hydrological connection between the sites. Due to the separation distance from the site, there is no potential for effects on the SAC either during the construction or operational phases.  No pathway of effects for likely significant effect was identified and the SAC is not within the Likely Zone of Influence. Further assessment is not required.	N
Mount Hevey Bog SAC (site code: 002342)	Active raised bogs (7110) Degraded raised bogs still capable of natural regeneration (7120) Depressions on peat substrates of the Rhynchosporion (7150)  <a href="https://www.npws.ie/protected-sites/search/by-code?code=002342">https://www.npws.ie/protected-sites/search/by-code?code=002342</a> (March 2016)	Distance: 12km  Hydrological Distance: No Hydrological Connectivity	As above	N
<p><sup>1</sup> Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report</p> <p><sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p><sup>3</sup>if no connections: N</p>				

With respect to Table 1 of the applicant's Screening for Appropriate Assessment, for both Long Derries Edenderry SAC and to Mount Hevey SAC, it states that there is no ecological or hydrological connectivity but then concludes for both sites that there is connectivity. I consider this to be an error, as later, in Section 2.4, it states that there is no ecological or hydrological connectivity to these two sites, which I consider to be a correct conclusion.

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

The proposed development would not result in any direct effects on any of the SAC's or the SPA detailed in Table 1 above. However, due to the hydrological link to the River Boyne and River Blackwater SAC (site code 002299) and the River Boyne and River Blackwater SPA (site code 004232), the impacts generated by the construction and operation of the proposed development require further consideration.

Sources of impact and likely significant effects are detailed in Table 2 below.

**Table 2 - AA Screening matrix**

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
<p><b>River Boyne and River Blackwater SAC</b> <b>(Site Code 002299)</b></p> <ul style="list-style-type: none"> <li>• Alkaline fens (7230)</li> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) (91E0)*</li> <li>• <i>Lampetra fluviatilis</i> (River Lamprey) (1099)</li> <li>• <i>Salmo salar</i> (Salmon) (1106)</li> <li>• <i>Lutra lutra</i> (Otter) (1355)</li> </ul>	<p>Likely significant indirect effects were identified as water quality deterioration arising from the construction and operation of the proposed development via the Boyne_10 stream that runs along the eastern side of the site of the substation and connects to the River Boyne c 2.3km to the south and in turn becomes a SAC, c19km downstream.</p> <p>Potential release of suspended solids/ nutrients, cementitious materials and hydrocarbons during construction and to a lesser extent the operational phase</p>	<p>Potential damage to riparian and river habitats associated with the release of suspended solids with inadvertent spillages of hydrocarbons and cement-based products and/or other chemicals during construction phase, leading to potential damage to the habitats and freshwater qualifying interest species dependent on water quality. An impact of sufficient magnitude could undermine the sites conservation objectives.</p>
<p><b>River Boyne and River Blackwater SPA</b> <b>(Site Code 004232)</b></p> <ul style="list-style-type: none"> <li>• Kingfisher (<i>Alcedo atthis</i>) (A229)</li> </ul>	<p>As above</p>	<p>Negative impact on the Kingfisher's food supply.</p>

	Likelihood of significant effects from proposed development (alone): <b>Yes</b>
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?
<b>Step 4 Conclude if the proposed development could result in likely significant effects on a European site</b>	
<p>Based on the information provided in the applicant's Screening for Appropriate Assessment, the site visit, and a review of the conservation objectives of the European sites and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on the QI's of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA.</p> <p>I concur with the applicant's findings that such impacts could be significant in terms of the stated conservation objectives of the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA, when considered on their own, in relation to pollution related pressures and disturbance on qualifying interest habitats and species.</p> <p>It is not possible to exclude the possibility that the proposed development alone would result in significant effects on the River Boyne and River Blackwater SAC and the River Boyne and River Blackwater SPA from effects associated with the construction of the proposed substation and grid connection.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project 'alone.' Further assessment in-combination with other plans and projects is not required at screening stage.</p>	

**Screening Determination**  
**Significant effects cannot be excluded**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in the AA screening report, I conclude that it is not possible to exclude that the proposed development alone would give rise to significant effects on River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) in view of the conservation objectives of the sites. Appropriate Assessment is required.

This determination is based on:

- The nature and scale of the proposed development/works.
- The hydrological connectivity between the application site and the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) and the potential for significant effects on QI habitats and QI species, by way of pollution and deterioration of water quality.

## Appendix 4: AA and AA Determination

### The Natura Impact Statement

The application includes an 'Appropriate Assessment Screening Report and Natura Impact Statement (NIS)' prepared by BES Environmental Services dated May 2025. The Screening for Appropriate Assessment is addressed in Appendix 3 above and the Appropriate Assessment and AA Determination are set out below.

#### Appropriate Assessment

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

Taking account of the preceding AA screening determination (Appendix 3), the following is an appropriate assessment of the implications of the proposed development as described in Section 3.0 of this report and Section 2. 2of the NIS Screening for Appropriate Assessment and Natural Impact Statement. based on scientific information provided by the applicant. In summary, it would consist of a 110kV loop-in substation, grid connection, 2 no masts, access track and associated infrastructure and works, in view of the relevant conservation objectives of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).

The information relied upon includes the following:

- Screening for Appropriate Assessment and Natura Impact Assessment
- Planning and Environmental Report
- Appendix C: Landscape Management Plan
- Appendix D: Construction and Environmental Management Plan
- Appendix E: Outline Construction Methodology
- Appendix F: Flood Risk Assessment (Solar Farm)
- Appendix G: Planning Search
- Appendix H: Badger Survey and Bat Roost Evaluation
- Appendix I: Water Pollution Prevention
- Appendix J: Surface Water Management Plan
- Kildare County Development Plan 2023-2029

#### Submissions/Observations

The Kildare County Council Ecologist's report, which formed part of the Council's submission on the application, stated that they are 'satisfied with the conclusion of the AA Screening and NIS that there will be no adverse impact to any European Site as a result of the proposed works provided the mitigations as outlined in the NIS report are implemented as described'.

Due to the sites having similar geographical areas, the NIS assess both sites together

- **River Boyne and River Blackwater SAC (Site Code 002299)**
- **River Boyne and River Blackwater SPA (Site Code 004232)**

**Summary of Key issues that could give rise to adverse effects (from screening stage):**

- (i) **Water quality degradation during the construction phase through release of suspended solids/nutrients, cementitious materials and hydrocarbons into the drainage network and to a lesser extent during the operational phase via runoff from access tracks and hard standing.**

The Attributes and Targets highlighted in bold in column 2 below are the ones identified by the applicant as the ones likely to be potentially affected by water pollution.

**See Section 3 - NIS**

**River Boyne and River Blackwater SAC (Site Code 002299)**

<b>Qualifying Interest features likely to be affected</b>	<b>Conservation Objectives Attributes and Targets</b>	<b>Potential adverse effects</b> NIS SECTION 3.1	<b>Mitigation measures (summary)</b> NIS SECTION 3.2
Alkaline fens (7230)	<p><b><u>Objective</u></b> To maintain the favourable conservation condition.</p> <p><b><u>Attributes - Targets</u></b></p> <ul style="list-style-type: none"> <li>• Habitat area – Stable or increasing</li> <li>• Habitat distribution – No decline</li> </ul> <p><b><u>Ecosystem Function</u></b></p> <ul style="list-style-type: none"> <li>• Soil nutrients – Maintain pH</li> <li>• Peat Formation – Maintain active formation</li> <li>• Groundwater levels – Maintain or restore</li> <li>• Surface water flow – Maintain or restore</li> <li>• Water quality – Maintain adequate quality</li> </ul>	No impacts from contaminants potentially carried to the river as this habitat is very localised in distribution and their functioning is largely unaffected by the quality of river water.	None necessary

	<p><u>Vegetation composition</u></p> <ul style="list-style-type: none"> <li>• Community diversity – Maintain variety</li> <li>• Typical brown mosses – Maintain adequate cover</li> <li>• Typical vascular plants – Maintain adequate cover</li> <li>• Native negative indicator species – Cover at insignificant levels</li> <li>• Non-native species – Cover at less than 1%</li> <li>• Native trees and shrubs – Cover less than 10%</li> <li>• Algal cover – Cover less than 2%</li> </ul> <p><u>Vegetation Structure</u></p> <ul style="list-style-type: none"> <li>• Height – at least 50% of live leaves / flowers more than 5 or 15cm above ground, based on type.</li> </ul> <p><u>Physical Structure</u></p> <ul style="list-style-type: none"> <li>• Disturbed bare ground – not more than 10%</li> <li>• Tufa formations – disturbed proportion of vegetation cover less than 1%, where tufa present</li> <li>• Indicators of local distinctiveness – No decline in distribution of rare or threatened species</li> <li>• Transitional areas between fen and adjacent habitats – Maintain adequate areas</li> </ul>		
<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion <i>incanae</i>, <i>Salicion albae</i>) (91E0)*</p>	<p><b><u>Objective</u></b> To restore the favourable conservation condition.</p> <p><b><u>Attributes - Targets</u></b></p> <ul style="list-style-type: none"> <li>• Habitat areas – Stable or increasing</li> <li>• Habitat distribution – No decline</li> </ul> <p><u>Woodland Structure</u></p> <ul style="list-style-type: none"> <li>• Size – stable or increasing</li> <li>• Cover and height – Total canopy cover at least 30%</li> <li>• Community diversity and extent – Maintain</li> <li>• Natural regeneration – adequate seedlings, saplings and age of target species to ensure canopy survival</li> </ul>	<p>No impacts from contaminants potentially carried to the river as the habitat is very localised in distribution and their functioning is largely unaffected by the quality of river water.</p>	<p>None necessary</p>

	<ul style="list-style-type: none"> <li>• Dead wood – At least 19 stems per ha of 20cm diameter</li> <li>• Veteran Trees – No decline</li> <li>• Indicators of local woodland distinctiveness – No decline</li> <li>• Indicators of overgrazing – all five indicators absent</li> </ul> <p><u>Hydrology</u></p> <ul style="list-style-type: none"> <li>• Flooding depth/height of water table – Appropriate regime for maintenance of alluvial vegetation</li> </ul> <p><u>Vegetation composition</u></p> <ul style="list-style-type: none"> <li>• Native tree cover – No decline. Cover at least 90% of canopy</li> <li>• Typical species – at least 1 target species present for (1E0 woodlands present</li> <li>• Negative indicator species – not greater than 10%</li> </ul>		
<p>Lampetra fluviatilis (River Lamprey) (1099)</p>	<p><b><u>Objective</u></b> To restore the favourable conservation condition.</p> <p><b><u>Attributes – Targets</u></b></p> <ul style="list-style-type: none"> <li>• Distribution – restore access to all water courses to first order streams</li> <li>• Distribution of larvae – not less than 50% of sample site with suitable habitat</li> <li>• Population structure of larvae – at least 3 age/size classes present</li> <li>• Density in fine sediment – mean density more than 5 per metre square in suitable habitat</li> <li>• <b>Extent and distribution of spawning nursery habitat – no decline in extent and distribution of spawning habitat</b></li> </ul>	<p><b><u>Construction Phase</u></b> No direct impacts such as disturbance to habitats or species. Release of suspended solids/nutrients, cementitious materials and hydrocarbons into the drainage network arising from all construction related site works pose a risk to aquatic life within the local watercourse which flows into the River Boyne. The significance of effect would depend on the type of pollutant as well as the</p>	<p><b><u>Construction Phase</u></b> All measures are focused to avoid, minimise and control contaminated run-off entering drains and local watercourses. Establish core Environmental Management Group including Ecological Clerk of Works and staff. Construction Environmental Management Plan (CEMP) and Emergency Environmental Response Plan (EERP). Attenuation pond, with daily monitoring of</p>

		<p>magnitude and duration of the pollution event.</p> <p><b><u>Operational phase</u></b>  Runoff from access tracks and hard standings via drainage features</p>	<p>discharge. Soil and silt run-off management.</p> <p>Site drainage protection system.</p> <p>Temporary excavated channels, bunds, silt fences, ridges and 20m buffer from watercourses.</p> <p>Temporary surface water manage system and a treatment train to allow suspended solids to settle.</p> <p>All ready-mix brought on site, not mixed on site, with no wash out of concrete trucks on site.</p> <p>Fuels stored in bunded areas, designated refuelling areas, spill kits, secure storage areas.</p> <p>Chemical wastewater facilities that will be emptied by licenced hauliers</p> <p>All personnel to be trained</p> <p><b><u>Operational Phase</u></b>  Surface water to be manged by SUDS to collect and treat</p>
Salmo salar (Salmon) (1106)	<p><b><u>Objective</u></b>  To restore the favourable conservation condition.</p> <p><b><u>Attributes – Targets</u></b></p> <ul style="list-style-type: none"> <li>• Extent of anadromy – 100% of river channels down to second order accessible from estuary</li> <li>• Adult spawning fish – Conservation limit (CL) for each system consistently exceeded</li> <li>• Fry abundance – Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently 17 fry per 5 minutes sampling</li> <li>• <b>Out-migrating smolt abundance – No significant decline</b></li> <li>• <b>Number and distribution of redds – No decline due to anthropogenic causes</b></li> <li>• <b>Water quality – At least Q4 at all sites sampled by EPA</b></li> </ul>	As above	
Lutra (Otter) (1355)	<p><b><u>Objective</u></b>  To maintain the favourable conservation condition.</p> <p><b><u>Attributes – Targets</u></b></p> <ul style="list-style-type: none"> <li>• Distribution – No significant decline</li> <li>• Extent of terrestrial habitat – no significant decline</li> <li>• Extent of freshwater river habitat – no significant decline</li> <li>• Extent of freshwater lake habitat – no significant decline</li> </ul>	As above	

	<ul style="list-style-type: none"> <li>• Couching site and holts – no significant decline</li> <li>• <b>Fish biomass available – no significant decline</b></li> <li>• Barriers to connectivity – no significant decline</li> </ul>		<p>reduced quality runoff using hydrocarbon interceptors and hydrobrake flow controls.</p> <p>Reserve an intact riparian buffer to filter runoff</p> <p>No permanent welfare facilities. Use chemical facilities that are periodically emptied.</p>
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**River Boyne and River Blackwater SPA (Site Code 004232)**

<p>Kingfisher (Alcedo atthis) (A229)</p>	<p><b><u>Objective</u></b> To maintain the favourable conservation condition.</p> <p><b><u>Attributes – Targets</u></b></p> <ul style="list-style-type: none"> <li>• Population size – No significant decline in long term</li> <li>• Productivity rate – sufficient productivity to maintain population as stable or increasing</li> <li>• Spatial distribution of territories – No significant loss of distribution in the long term.</li> <li>• Extent and quality of nesting banks and other suitable nesting features – Sufficient area of high quality nesting habitat</li> <li>• Forage spatial distribution, extent, abundance and availability – Sufficient area of suitable forage habitat and available forage biomass</li> <li>• <b>Water Quality – overall good-high quality status</b></li> <li>• Barriers to connectivity – No significant increase</li> <li>• Disturbance to breeding birds – Disturbance occurs at levels that do not significantly impact upon breeding Kingfisher</li> </ul>	<p>Habitat destruction, degradation via pollution and/or poor management of watercourses are a concern, right throughout the SPA area.</p> <p>Sediment loading could affect aquatic invertebrate communities and aquatic macrophytes by reducing biotic diversity and food resources through direct toxicity of invertebrates, while suspended solids often hold nutrients that can result in eutrophication and reduced oxygen levels.</p>	<p>Same as above.</p>
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		The extent of impact would depend on the type of pollutant, and the magnitude and duration of the pollution event.	
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The above table is based on the documentation and information provided by the applicant, as well as a review of the conservation objectives, attributes and targets in the site conservation objectives documents prepared by the NPWS.

I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests and I am also satisfied that the mitigation measures are appropriate and would address any potential adverse impacts on QI's of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).

**Assessment of issues that could give rise to adverse effects in view of conservation objectives**

With respect to each of the matters addressed below, I note that Kildare County Council's ecologist was satisfied with the conclusions of the NIS, that there will be no adverse impact on any European Site as a result of the proposed works provided the mitigations outlined in the NIS are implemented as described.

**(i) Water quality degradation during the construction phase through release of suspended solids/nutrients, cementitious materials and hydrocarbons into the drainage network and to a lesser extent during the operational phase via runoff from access tracks and hard standing.**

The release of suspended solids and / or other pollutants including hydrocarbons and cement based products into surface and groundwater during construction have the potential to result in significant negative impacts on species and habitats subject to conservation objectives, where such changes exceed the ranges of tolerance set out in the Site Specific Conservation Objectives. I note that while there is hydrological link between the site and River Boyne, the SAC and SPA are 19km hydrologically from the site and the potential for impacts would be limited.

**Mitigation measures and conditions**

The focus of the mitigation measures outlined above is to prevent ingress of pollutants and silt into surface water and the receiving Kishawanny Upper watercourse (Boyne\_10). I am satisfied that the proposed mitigation measures are adequate to ensure that water quality would not be degraded as a result of the proposed development. Mitigation measures related to water quality are captured in proposed planning conditions of the Inspector's Report.

### **In-combination effects**

I am satisfied that in-combination effects have been assessed adequately in section 3.4 of the NIS, under the heading of 'Analysis of in-combination Effects', where they also refer to in combination effects and to the key projects in the area being the already permitted solar farm. The NIS for that project concluded that 'The proposed development will not adversely affect the integrity of any Natura 2000 designated site due to measures inaugurated during the design phase and following relevant guidance to prevent pollution during the construction and operation phases'. No in-combination effect are anticipated as a result of both developments, while there are no other projects or plans identified in the vicinity.

The applicant also notes that in an unmitigated scenario, the development would have the potential to combine with existing agricultural practices which can result in nutrient loss and suspended solids entering local watercourses. However, this would not happen due to proposed mitigation measures.

I am satisfied that the applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

### **Findings and conclusions**

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, would not adversely affect the integrity of the River Boyne and River Blackwater SAC (Site Code 002299) or the River Boyne and River Blackwater SPA (Site Code 004232) on the basis that the development itself would not result in any residual adverse effects on any European Site. I also note that in granting permission for the Oldcourt solar farm, with which the proposed substation and grid connection are associated, the planning authority concluded that it was satisfied that the proposed solar farm, by itself or in combination with other plans or projects, would not adversely affect the integrity of any Natural 2000 sites, in view of the sites conservation objectives.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) as considered in the NIS. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt or hydrocarbon laden surface water into the Kishawanny Upper watercourse (Boyne\_10) that in turn flows into the River Boyne c2.3km downstream and the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) c19km downstream. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented through conditions if approval is granted. No in-combination effects are envisaged.

**Reasonable scientific doubt**

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

**Site Integrity**

The proposed development will not affect the attainment of the Conservation objectives for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).

**Appropriate Assessment Conclusion: Integrity Test**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) in view of the conservation objectives of the sites and that Appropriate Assessment under the provisions of S177U of the Planning and Development Act 2000 (as amended) was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account the submission of Kildare County Council, I consider that adverse effects on the site integrity of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) can be excluded in view of the conservation objectives of the sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- An assessment of in-combination effects with other plans and projects.
- No significant effects on the qualifying interests of European sites or supporting habitats, arising from the project.
- The proposed development will not affect the attainment of conservation objectives for the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232) or prevent or delay the restoration of favourable conservation condition restoration of favourable conservation condition for identified Qualifying Interests.
- The effectiveness of mitigation measures proposed in the NIS.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the River Boyne and River Blackwater SAC (Site Code 002299) and the River Boyne and River Blackwater SPA (Site Code 004232).

## Appendix 5 - WFD Impact Assessment Stage 1: Screening

### Step 1: Nature of the Project, the Site and Locality

<b>An Bord Pleanála ref. no.</b>	<b>ABP-322503-25</b>	<b>Townland, address</b>	Oldcourt, Edenderry, County Kildare
<b>Description of project</b>		10 year permission for a 110kV substation, grid connection and ancillary works Section 6 'Hydrology' of the Planning and Environmental Report Addresses the Water quality and the Water Framework Directive.	
<b>Brief site description, relevant to WFD Screening,</b>		The overall site is stated to be 11.41ha and is located in a relatively flat rural area and lies within the boundary of the permitted Oldcourt solar farm. The proposed substation would be located c730m south of the proposed vehicular entrance from the L-5019 local road, which will also serve as the access to the permitted solar farm. The existing Derryiron-Timahoe 110KV line that the development is to connect to, runs west to east through the site, c170m north of the proposed substation. The two proposed masts would be constructed along this line, c390m to 420m south of the proposed site entrance to the north.	

	<p>The permitted solar farm extends c940m to the west, c740m to the northeast and c1.4km to the south-west of the proposed substation.</p> <p>The Boyne_10 (Kishawanny Upper watercourse) runs north to south along the eastern edge of the field in which the proposed substation is to be located. In turn, the stream flows into the River Boyne approximately 2.3km downstream, which in turn becomes the River Boyne and Blackwater SAC and the River Boyne and Blackwater SPA, c19km from the site.</p>
<p><b>Proposed surface water details</b></p>	<p>Appendix I 'Water Pollution Prevention' and Appendix J 'Surface Water Management Plan' address surface water.</p> <p>Appendix I includes a section of 'Water Management. A minimum 10m construction phase pollution prevention buffer zone (setback) will be applied to the watercourses that flow through (and adjacent to) the site. No unnecessary construction works will take place within the buffer. It also addresses 1) site drainage; 2) works in or near watercourses; 3) works to install culvert; 4) Electrical Cable Laying at Watercourses; 5) Concrete, Cement and Grout; 6) Silt Management; 7) Dewatering / Pumping and Over Pumping</p> <p>Appendix J – 'Surface Water Management Plan' sets out both the temporary and permanent drainage plan. The temporary proposal are that 1) clean water is</p>

	<p>not permitted to mix with contaminated water and upslope cut off ditches will be installed for this purpose. Temporary silt / pollution prevention and scour protection measures. Diverted discharge will be either to existing watercourse channels (via silt removal features) or be dispersed over vegetated ground.</p> <p>2) dirty” surface water will be diverted from the access tracks to temporary swales and under-track piped drainage crossings will be provided to allow up-slope swales to drain to the down slope side; 3) Drainage grips may be installed on the track surface where deemed a requirement; 4) runoff will be attenuated in adequately sized swales to mimic natural runoff patterns; 5) suspended solids will be controlled by using Check dams with in swales to reduce flow velocity, settlement ponds; 6) temporary spoil management will avoid buffer zones and will ensure no ponding of water on spoil heaps; 7) foul water from temporary compounds and the permanent substation will drain to temporary or permanent chemical facilities and will be emptied by tanker and take to a suitable licenced waste disposal facility.</p> <p>The permanent drainage plan includes complying with the requirements of the Kildare County Council Water Services Department and applying SuDS principles. The drainage system will cater for up to a 1% AEP rainfall event including a 30% allowance for climate change. Outflow. Compound will have unbound surfacing and runoff will be collected by a filter drain system and</p>
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	<p>conveyed by storm sewer to an infiltration basin. Gullys would run alongside the road surface and would be conveyed by storm sewer to the infiltration basin. The infiltration basin will have a volume of 415 cubic metres.</p> <p>The following drainage features would be regularly inspected, monitored and maintained as needed, 1) Inlets, Outlets, Controls and Inspection Chambers; 2) Filter Drains; 3) Swale; 4) Infiltration basin; 5) Class 1 Bypass Oil Interceptor</p>
<p><b>Proposed water supply source &amp; available capacity</b></p>	<p>Question 16 of the planning application form indicates that the proposed development would include a new connection to the public water supply, while the public notices refer to 'water services'. In addition, while the CEMP refers to the need for a 'Potable water supply' the application does not contain any drawings or details of the proposed water supply. I note that the toilets in the two proposed permanent structures are stated to be chemical toilets that will be required to be periodically emptied by licenced waste collection companies. These matter can be addressed by a condition if the Coimisiún is minded to grant permission.</p>
<p><b>Proposed wastewater treatment system &amp; available capacity, other issues</b></p>	<p>Wastewater will be treated during both the construction and operational phases by way of chemical toilets, first in the temporary construction compound and later in the two permanent structures. These facilities will be managed by a licenced waste contractor, as needed.</p>

		Details of a full retention foul waste water tank or tanks can be addressed by way of condition, if the Coimisiún is minded to grant permission.				
<b>Others</b>		Not applicable				
<b>Step 2: Identification of relevant water bodies and Step 3: S-P-R connection</b>						
<b>Identified water body</b>	<b>Distance to (m)</b>	<b>Water body name(s) (code)</b>	<b>WFD Status</b>	<b>Risk of not achieving WFD Objective e.g.at risk, review, not at risk</b>	<b>Identified pressures on that water body</b>	<b>Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)</b>
River Waterbodies						
River Waterbody	0m	Boyne_010 IE_EA_07B040200	Poor (Monitoring	At risk	DWTS, HYMO (hydromorphological sources), Peat	The BOYNE_010 Stream (Kishawanny Upper)runs along the

	(from eastern side of red lined boundary to east of proposed substation)	(Kishawanny Upper)				eastern side of the filed where the proposed substation would be located.
Groundwater Bodies						
Groundwater waterbody	Underlying the entire site	Trim (IE_EA_G_002)	Good	At risk	DWTS, Ag, Unknown	Northern part of the access track (c225m from the access is poorly drained soils. The masts and substation would be located on well drained soils

**Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.**

**CONSTRUCTION PHASE**

No	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface - Stream	Boyne_010 (IE_EA_07B040200)	Existing drainage ditch the (Boyne_10) Kishawanny Upper starts adjacent to part of the access track and runs southwards along the eastern boundary of the field where the substations would be located.. The Kishawanny	Siltation from excavation, sedimentation and surface water runoff of hydrocarbons and cement-based spillages.	Standard construction mitigation measures set out in the NIS, Chapter 6 'Hydrology' of the Environmental Report, Appendix C 'CEMP' Appendix I 'Water Pollution Prevention' and Appendix J	No, due to small scale and shallow depth of the works, the proposed setback from the (Boyne_10) Kishawanny Upper watercourse and implementation of proposed mitigation measures.	Screened out as no residual risk remains following implementation of mitigation measures.
2.	Ground	Trim (IE_EA_G_002)					

			<p>Upper watercourse discharges into the river Boyne c2.3km downstream.</p> <p>Agricultural drainage ditches were identified at the northern, southern boundaries of the field where the substation is proposed and drain into the Kishawanny Upper watercourse. It is proposed to culvert part of the existing drain running along the western boundary of the field where the substation is proposed to be located.</p>		<p>Surface Water Management Plan' which would protect water quality, and surface water and to prevent the release of siltation, hydrocarbons and cement based products.</p>		
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OPERATIONAL PHASE							
3.	Surface	Boyne_010 (IE_EA_07B040200)	Existing Boyne_10 (Kishawanny Upper) Watercourse running alongside the eastern boundary of the field in which the proposed substation would be located.	Stormwater runoff	SuDS features along the access track and on the stie of the proposed substation	No	Screened out as no residual risk remains following implementation of mitigation measures.
4.	Ground	Trim (IE_EA_G_002)	Pathway exists through a mix of poor and well-drained soil	Stormwater runoff	As above	No	
DECOMMISSIONING PHASE							
5.	N/A	N/A	N/A	N/A	N/A	N/A	N/A

## **Appendix 6      Different Archaeological conditions proposed by different parties to the application**

### **1      Mitigation Measures proposed by the applicant**

The Mitigation Measures proposed by applicant in Chapter 7 of the Planning and Environmental Report are:

- All ground disturbance associated with the construction of the Proposed Development will be monitored by a suitably qualified archaeologist working under licence as issued by the minister (DHLGH) under section 26 of the National Monuments Acts (1994-2014).
- A programme of archaeological pre-development testing will be undertaken throughout the area of the development. A report on the findings will be forwarded to all relevant authorities and will make recommendations on how best to proceed in relation to any archaeology encountered.
- In the event of archaeological features, finds and/or deposits been encountered during the course of the monitoring and/or testing, the relevant authorities should be notified immediately. *Preservation by record* (through archaeological excavation) will only occur if it is established that *preservation in situ* cannot be achieved, and such excavations are agreed with National Monuments Service.

### **2      Condition imposed by Kildare County Council on grant of permission for the Solar Farm under P.A. Ref. Ref. 22.327**

**10.** (a) An archaeo-geophysical survey shall be carried out across the entire site

(b) The archaeo-geophysical survey shall be carried out subject to the terms of a detection device licence issued by this Department.

(c) Once the archaeo-geophysical survey is complete , the Applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-1994) to carry out pre-development testing at the site. No subsurface work shall be undertaken in the absence of the archaeologist without his/her express consent.

(d) The archaeologist is required to notify the Department of Housing , Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations . This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(e) The archaeologist shall carry out any relevant documentary research and shall excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans.

(f) Test trenches shall not only be targeted on anomalies (if any) , discovered during the geophysical survey but should be positioned in such a way as to assess the overall archaeological potential of the development site .

(g) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to the Department of Housing, Local Government and Heritage.

(h) Where archaeological material is shown to be present, avoidance , preservation in situ, preservation by record (excavation) and/or monitoring may be required. The Department of Housing , Local Government and Heritage will advise the Developer with regard to these matters.

**Reason:** To ensure the continued preservation of archaeological heritage.

### **3 Proposed condition from Heritage Officer of Kildare County Council.**

(a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches shall be excavated at locations chosen by the archaeologist, having consulted the site drawings.

(c) The archaeologist is required to notify this Department in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to this Department in advance of the planning decision. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. It should be borne in mind that, if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required. No decision should be made on this application until this Department and the Planning Authority has had the opportunity to evaluate the Archaeological Assessment. This Department will forward a recommendation based on the...(text ends here)

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

### **4 Condition proposed by Kildare County Council Chief Executives Report**

The underlines elements in this condition reflect the difference between the Heritage Officer's proposed condition and the condition proposed by the Chief Executive.

(a) The applicant is required to engage the services of a suitably qualified archaeologist to carry out an archaeological assessment of the development site. No

sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.

(b) The archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches shall be excavated at locations chosen by the archaeologist, having consulted the site drawings.

(c) The archaeologist is required to notify the Department of Housing, Local Government and Heritage in writing at least four weeks prior to the commencement of site preparations. This will allow the archaeologist sufficient time to obtain a licence to carry out the work.

(d) Having completed the work, the archaeologist shall submit a written report to the Planning Authority and to Department of Housing, Local Government and Heritage in advance of the planning decision. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required. It should be borne in mind that, if significant archaeological remains are found, refusal might still be recommended, and/or further monitoring or excavation required. No decision should be made on this application until this Department and the Planning Authority has had the opportunity to evaluate the Archaeological Assessment.

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

## **5 Condition proposed by the Development Applications Unit of the Department of Housing, Local Government and Heritage**

2. All mitigation measures in relation to archaeology and cultural heritage as set out in the Archaeological Impact Assessment (Through Time Ltd; dated May 2025) shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.
3. The developer shall engage a suitably qualified Archaeologist (licensed under the National Monuments Acts) to carry out a pre-development Archaeological Geophysical Survey and a pre-development Archaeological Test Excavation at all areas of proposed ground disturbance (including temporary measures such as construction compounds or crane bases) and to submit an Archaeological Impact Assessment Report for the written agreement of the Planning Authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance and/or construction works. Please note:
  - a. The Archaeological Geophysical Survey must be carried out under licence from the National Monuments Service and in accordance with an approved Method Statement. Having completed the work, the Archaeologist shall submit a written report to the Department and to the Planning Authority describing the results of the Archaeological Geophysical Survey.
  - b. The Archaeologist shall liaise with the National Monuments Service to

establish- based on the results the Archaeological Geophysical Survey- the appropriate scope of the Archaeological Test Excavation to adequately characterise the character and extent of any potential sub-surface archaeological material within the development site.

- c. The report on the Archaeological Test Excavation shall include an Archaeological Impact Statement and Mitigation Strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record (archaeological excavation) and/or monitoring may be required.
  - d. Any further archaeological mitigation requirements specified by the Planning Authority, following consultation with the National Monuments Service, shall be complied with by the developer.
  - e. No site preparation and/or construction works shall be carried out on site until the Archaeologist's report has been submitted to and approval to proceed is agreed in writing with the Planning Authority.
4. The Construction Environmental Management Plan (CEMP) shall include the location of any and all archaeological or cultural heritage constraints relevant to the proposed development as set out in the Archaeological Impact Assessment by Through Time Ltd (dated May 2025) and by any subsequent archaeological investigations associated with the project. The CEMP shall clearly describe all identified likely archaeological impacts, both direct and indirect, and all mitigation measures to be employed to protect the archaeological or cultural heritage environment during all phases of site preparation and construction activity.
  5. The Planning Authority and the Department shall be furnished with a final Archaeological Report describing the results of all archaeological monitoring and any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

Reason:

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