



An
Coimisiún
Pleanála

Inspector's Report ACP-323218-25

Development	Outline Permission for Battery Energy Storage System and all associated site works.
Location	Old Dublin Road, Carrickhenry, Co Sligo
Planning Authority	Sligo County Council
Planning Authority Reg. Ref.	2560213
Applicants	Ion Ventures Ltd
Type of Application	Outline Permission
Planning Authority Decision	Grant Outline Permission with Conditions
Type of Appeal	Third Party
Appellant	Kevin Fallon
Observers	None
Date of Site Inspection	23 rd September 2025
Inspector	Jim Egan

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	7
3.4. Third Party Observations	7
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. Sligo County Development Plan 2024-2030	9
5.2. National Policy	10
5.3. Other National and Regional Policy	12
5.4. Natural Heritage Designations	13
6.0 The Appeal	13
6.1. Grounds of Appeal	13
6.3. Applicant's Response to the Appeal	14
6.4. Response from Planning Authority.....	16
6.5. Prescribed Bodies.....	16
7.0 Section 132 Notice - Further information	16
7.1. Background.....	16
7.2. Further Information request:.....	19
7.3. Applicant's response to further information request	20
7.4. Responses to Circulation of Further Information.....	23
8.0 Assessment.....	24
8.1. Principle of Development	24

8.2.	Fire Risk and Battery Safety Management	26
8.3.	Drainage and Firewater	27
8.4.	Appropriate Assessment.....	31
8.5.	Residential Amenity	33
8.6.	Other Matters	34
9.0	EIA Screening.....	35
10.0	Water Framework Directive	35
11.0	Recommendation	35
12.0	Reasons and Considerations.....	35
Appendix 1 – EIA Form 1		38
Appendix 2 - AA Screening		40
Appendix 3 – WFD Stage 1: Screening.....		48

1.0 Site Location and Description

- 1.1.** The site, with a stated area of c. 1.2ha, is located on the east side of the Old Dublin Road / L3608 in the townland of Carrickhenry, c. 3.5km south of the urban core of Sligo town and c. 800m south of the urban boundary of the town.
- 1.2.** The surrounding area can be described as being predominantly rural in nature comprising farmland and rural dwellings however there are also light industrial uses located intermittently along the Old Dublin Road, including a car dealership adjoining the site to the north. The site shares its southern boundary with a cul-de-sac laneway, which provides access to two dwellings, the closest of which is located c. 30m of the site. There is a public footpath on the eastern side of the Old Dublin Road, fronting the site.
- 1.3.** The site is currently in agricultural use with all boundaries comprising mature hedgerows and trees. The site is relatively flat however slopes from north to south with submitted plans showing a level difference of c. 5m between the northeast and southwest boundaries.

2.0 Proposed Development

- 2.1.** Planning permission is sought for the development of a Battery Energy Storage System (BESS) to consist of:
 - 38 no. Battery Unit Containers comprising of battery cells and ancillary equipment on concrete support structures;
 - 10 no. Inverter Transformer Stations on concrete support structures;
 - A Customer Switch Room and Control Room Unit on concrete support structures;
 - 2 no. new vehicular entrances off the Old Dublin Road (L3608) and internal access tracks;
 - 2 No. water storage tanks;
 - All associated site development works including security fencing, lighting, CCTV, landscaping, parking and ancillary services and infrastructure.

Documentation submitted with the outline application comprised drawings, a Planning Statement (including AA Screening) and an Outline Battery Safety Management Plan.

Outline permission is not sought for a grid connection however a map has been submitted showing an indicative route to an existing 110kv substation located c. 900m northeast of the site on the R287, with the alignment following the existing road network.

3.0 Planning Authority Decision

3.1. Decision

By order, dated 17th July 2025, the planning authority decided to grant permission for the proposed development subject to 6 no. conditions.

Conditions 1 to 5 require submission of the following assessments at permission consequent stage:

Condition 1

- Details of height, design and external appearance of proposed battery storage units and ancillary developments
- Visual Impact Assessment

Condition 2

- Archaeological geo-physical survey and test trenching

Condition 3

- Landscape Plan

Condition 4

- Flood Risk Assessment

Condition 5

- Environmental Management Plan relating to the construction phase
- Pollution Prevention Plan relating to both the construction and operational phases of the development, taking local hydrology and hydrogeology into account.
- Noise modelling relating to both the construction and operational phases

- Resource and Waste Management Plan relating to the construction phase
- Environmental Emergency Response Plan relating to the construction and operational phases
- Proposals for managing clean surface water run-off from the site
- Proposals for surface water disposal in compliance with SuDS standards
- Proposals for managing potentially contaminated and foul water
- Proposals for management of hazardous materials, including hydrocarbons
- Proposals for sanitary facilities for both the construction and operational phases.

Condition 6 related to the payment of development contributions.

3.2. Planning Authority Reports

3.2.1. *Planning Reports*

The main points of the planner's report dated 15th July 2025 can be summarised as follows:

- Renewable energy projects are supported in principle at national, regional and local policy levels, with the impetus at all policy levels being the need to reduce greenhouse gas emissions, reduce reliance on fossil fuels and combat climate change. It is considered given the nature of the subject application which seeks Outline Permission, the proposed development is acceptable in principle at this location subject to conditions.
- Notes no objection from the area engineer with regards the proposed access arrangement, subject to conditions, and no objection from the Road Design Section (Active Travel).
- Having regard to the nature of the proposed development, surrounding environment and location in close proximity to similar such developments and its remove from the EU designated sites in the Natura 2000 network, it is considered that the proposed development – on its own or in combination with other projects – would not have any impact on such sites.

- The proposed development for 38 battery storage units is considered subthreshold for EIA as per the Planning & Development Regulations 2001-2019 (as amended). Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- Recommended that permission be granted subject to conditions.

3.2.2. *Other Technical Reports*

Area Engineer: Report, dated 23rd June 2025, recommended a grant of permission subject to conditions regarding access, road safety, sightlines and road drainage.

Road Design: Report, dated 2nd July 2025, raised no objection subject to conditions including that the number of new entrances be reduced from two to one, the requirement to submit revised plans to show active travel crossing provision.

Environment Section: Report, 9th June 2025, recommended that either a condition be attached to a grant of permission or further information be requested on proposals for surface water disposal. A second report, dated 7th July 2025, raised no objection and recommended a list of supporting documents that should be included with a planning application. Condition 5 on the local authority's decision refers.

3.3. **Prescribed Bodies**

Department of Housing, Heritage and Local Government: Report dated 26th June 2025 recommended further information requiring an archaeo-geophysical survey and test trenching, noting the presence of a recorded monument on adjoining land.

Uisce Eireann: No report received.

3.4. **Third Party Observations**

9 no. observations were received during the statutory consultation period, summarised as follows:

- Incompatible industrial development in rural setting.
- Visual impact on adjoining residents.
- Fire, explosion and thermal runaway risk associated with lithium-ion batteries and impact of same on the environment, including impact on local community.
- Inadequate emergency response infrastructure.
- Restricted access to dwellings on adjoining cul-de-sac laneway during an emergency event at the site.
- Noise pollution from continuous mechanical plant operation for cooling and other works will have a negative impact on existing residents.
- Public lighting, site security lighting and CCTV will have a negative impact on residents due to light pollution and lack of privacy.
- Known underground karstified formations in the area and potential impact on surface and ground water as a result of leakage of chemicals / pollutants, noting falling ground towards Ballisodare Bay, an SAC and drinking water supply.
- Impact of firefighting water on local water supplies and wells.
- No details for adequate onsite attenuation of storm water runoff provided.
- Impact of grid connection route on cycle / foot path.
- No information on toilets/ septic tank.
- No detail on the meaning of period maintenance, remote monitoring and rapid response team in the context of the operational phase.
- Impact on property values in the area.
- No consultation with the community.
- Currently there is little oversight for operation of BESS in Ireland.
- Potential impact on adjoining ringfort.

4.0 Planning History

None.

5.0 Policy Context

5.1. Sligo County Development Plan 2024-2030

The Sligo County Development Plan 2024-2030 took effect on 11th November 2024 except for those parts of the Plan which are subject to a Draft Ministerial Direction. The Draft Ministerial Direction was issued on 8th November 2024 and relates to land use zonings in a number of settlements, including 6 no. parcels of land in Sligo town, and separately to text relating to access onto national primary roads. An update was issued to Sligo County Council on 1st May 2026 advising that a number of sites subject to the draft direction were omitted from the direction, thus zoning retained as per adopted CDP, and that further correspondence would issue in due course with regards the remaining elements of the draft direction. I am satisfied that the Draft Ministerial Direction has no direct implications for the appeal site.

Variation No. 1 to the CDP was adopted and came into effect on 11th May 2026. The variation was prepared in response to Ministerial Guidelines issued with respect to land use zonings and housing supply. The variation has no direct implications on the appeal site nor other land in the vicinity.

Chapter 4 (Sligo Regional Growth Centre Strategic Plan - RSES), Chapter 5 (Settlement Strategy), Chapter 7 (Economic Strategy), Chapter 24 (Natural Heritage), Chapter 28 (Economic Development), Chapter 30 (Water Services) and Chapter 33 (Development Management Standards) of the County Development Plan are all considered relevant.

Chapter 24 (Natural Heritage)

P-DSNC-1 Protect and maintain the conservation status of all natural heritage sites designated or proposed for designation in accordance with European and national legislation and agreements. These include Special Areas of Conservation (SAC), Special Protection Areas (SPA), Natural Heritage Areas (NHA), proposed Natural Heritage Areas (pNHA), Ramsar Sites, Statutory Nature Reserves, as identified by the Minister for Culture, Heritage and the Gaeltacht, and any other sites that may be proposed for designation during the lifetime of this Plan. In addition, the Council will identify, maintain and develop non-designated areas of high nature conservation value

which serve as linkages or ‘stepping stones’ between protected sites in accordance with Article 10 of the Habitats Directive.

P-BD-7 Require development proposals on sites of 0.5 ha and over to retain existing high-quality ecological features and demonstrate a site-specific biodiversity net gain (BNG), indicating how the approach to development will leave the natural environment in a measurably better state than it was beforehand. The same approach will be encouraged, although not required, on sites under 0.5 ha.

The biodiversity net gain (BNG) shall consist of the enhancement and restoration of existing habitats or the creation of new areas for wildlife, where the biodiversity value of the site is low or non-existent (e.g. certain brownfield sites).

Chapter 30 (Water Infrastructure)

P-SWD-2 Require that planning applications are accompanied by a comprehensive SuDS assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.

Chapter 31 (Energy and Telecommunications)

31.3.8 - Energy storage

Energy storage systems such as batteries and green hydrogen storage, along with grid stability services, are some of the technologies that will be essential to smoothing out the natural variability that occurs in renewable energy sources and to provide electricity at times of peak demand.

P-EN-1 Support the sustainable development, upgrading and maintenance of energy generation, transmission, storage and distribution infrastructure, to ensure the security of energy supply and provide for future needs, as well as protection of the landscape, natural, archaeological and built heritage, and residential amenity.

Chapter 33 (Development Management Standards)

33.2.2 Impact of development on its surroundings

33.2.5 Surface water drainage

5.2. National Policy

Climate Action and Low Carbon Development (Amendment) Act, 2021

- 5.2.1. The Climate Action and Low Carbon Development Act, 2021 was signed into law in July 2021. The Act strengthens the provisions of the 2015 Act by adding a specific decarbonisation target of climate neutrality by 2050 at the latest, with the addition of recognition of the importance of protecting biodiversity. This brings Ireland's approach into line with the EU commitment to climate neutrality by 2050 as enshrined in the European Climate Law of 2021, and in line with many other climate laws.
- 5.2.2. The Act establishes national climate objectives that the State shall pursue and achieve by no later than the end of the year 2050, including the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It contains a number of objectives for the purpose of achieving that aim including the preparation of an updated Climate Action Plan. The preparation of local authority climate action plans is a key element.

The Climate Action Plan 2025 (CAP25)

- 5.2.3. Climate Action Plan 2025 (CAP25) is the third statutory annual update to Ireland's Climate Action Plan under the Climate Action and Low Carbon Development (Amendment) Act 2021.
- 5.2.4. The Plan lays out a roadmap of actions which is intended to lead to Ireland meeting its national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy. It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.
- 5.2.5. CAP25 places an emphasis on innovative technologies including energy utilisation and storage, and states that the Electricity Storage Policy Framework (ESPF), published in July 2025, highlights the crucial role that electricity storage can play in accelerating the deployment of renewable electricity generation and ensuring grid stability. Action EL/25/2 of CAP25 is to 'publish the long duration energy storage procurement recommendations paper'.

The Climate Action Plan 2024 (CAP24)

- 5.2.6. CAP 24 sets out the actions Ireland need to take to stop climate change and ensure greater energy security, stable prices, job creation, and regional development. It

provides a commitment to adopt the Electricity Storage Policy Framework (Action: EL/24/16). Electricity storage is recognised as a key technology under several aspects of the renewable transition. These include major roles in offering demand-side flexibility, increasing grid-scale renewables, and contributing to the decarbonisation of the energy sector, thus, making electricity storage a vital component in reaching the 2030 targets.

Policy Statement on Security of Electricity Supply, 2021

- 5.2.7. This document includes several updates to national policy in the context of the 2020 Programme for Government commitments relevant to the electricity sector, planning authorities and service providers.
- 5.2.8. It states that the Government identifies the need for significant investment in storage capabilities and electricity storage, among a range of other technologies. This will help to support the growth of renewable energy and security of Ireland's electricity supply.

Project Ireland 2040: National Planning Framework (NPF), First Revision

- 5.2.9. 'Project Ireland 2040: The National Planning Framework (NPF)' is a planning framework to guide development and investment over the coming years, up to 2040.
- 5.2.10. Relevant National Policy Objectives (NPO) include:
- **NPO 69** Reduce our carbon footprint by integrating climate action into the planning system in support of national targets for climate policy mitigation and adaptation objectives, as well as targets for greenhouse gas emissions reductions as expressed in the most recently adopted carbon budgets.
 - **NPO 70** Promote renewable energy use and generation at appropriate locations within the built and natural environment to meet national objectives towards achieving a climate neutral economy by 2050.
 - **NPO 71** Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development.

5.3. Other National and Regional Policy

- National Development Plan Review 2025

- Electricity Storage Policy Framework for Ireland, 2024
- Ireland's Long-term Strategy in Greenhouse Gas Emission Reduction, 2023
- Ireland's Transition to a Low Carbon Energy Future 2015-2030
- National Renewable Energy Action Plan (NREAP), 2009
- National Biodiversity Action Plan 2023-2030
- Flood Risk Management Guidelines for Planning Authorities 2009
- Regional Spatial and Economic Strategy (RSES) for the Northern and Western Region, 2020-2032, and particularly Chapter 5: Growth Ambition 5 – Infrastructure, Enabling our Region (8.2 Electrical Grid Network).
- NFCC Guidance for Grid Scale Battery Energy Storage Systems (BESS) – Fire and Rescue Services, 2025
- SEAI - Battery Storage Manual of Consenting Procedures, 2025

5.4. Natural Heritage Designations

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Ballysadare Bay SAC (Site Code: 000622), c. 2.2km southwest of the site
- Lough Gill SAC (Site Code: 001976), c. 2km east of the site
- Ballysadare Bay SPA (Site Code: 004129), c. 2.2km southwest of the site
- Cummeen Strand SPA (Site Code: 004035), c. 4.6km north of the site

The Ballysadare Bay pNHA (Site Code: 000622), is c. 2.2km to the southwest and the Lough Gill pNHA (Site Code: 001976) is c. 2km to the east.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was received on behalf of Kevin Fallon, against the decision to grant outline permission. The grounds of appeal can be summarised as follows:

- Planning authority failed to fully consider the observations received.

- Proposal cannot be deemed acceptable in principle in the absence of critical environmental information.
- Inappropriate use on land that is not zoned or serviced.
- Potential for expansion into larger landholding.
- Fire risk and safety concerns associated with lithium-ion batteries.
- Inadequate drainage proposals.
- Adverse impact on residential amenity by reason of lighting, CCTV cameras and operational noise. Absence of details with regarding same.
- Visual impact and lack of assessment of same.
- No environmental impact screening.
- Insufficient information provided to carry out AA screening.

6.2. Observers

None.

6.3. Applicant's Response to the Appeal

6.3.1. A response received on the 1st September 2025 can be summarised as follows:

- Many of the issues raised by the appellant are premature and would be more appropriately addressed at the permission consequent stage.
- Reiterates the view that BESS is a critical component of Ireland's transition to a low-carbon electricity system.
- Refers to the REDIII Directive and enacting by Irish Government of S.I. No. 274/2025 - European Union (Planning and Development) (Renewable Energy) Regulations 2025, with the 2025 regulations introducing Section 177AA to the Planning and Development Act 2000, which reads as follows:

Proposed development that is the planning, construction and operation of a renewable energy plant, any works necessary for the connection of such a plant to the grid, and any related grid or storage assets, is presumed to be in the

overriding public interest and serving public health and safety when balancing legal interests in the individual case.

- Refers to three precedent examples for where BESS projects were granted permission, including two decisions by An Bord Pleanála in 2020.

Zoning and Location Concerns

- The application is for outline permission, thus seeks a determination as to whether the proposal is acceptable in principle.
- The site was selected based on operational requirements and is strategically located c. 900m south of the Sligo 110kV substation.

Fire Risk and Safety Concerns

- The BESS site has been designed with the highest safety standards in mind. An Outline Battery Safety Management Plan has been submitted with the application. Detailed fire safety management, including consultation with the local fire services, will be conducted at permission consequence stage.

Drainage and Flood Risk

- Planning statement submitted with the application provides OPW information showing that the site is not subject to flood risk. Drainage and flood risk to be considered at permission consequent stage as per local authority's assessment and decision.
- Planning authority screened out AA.
- Refers again to Section 177AA to the Planning and Development Act 2000.
- With regards a grid connection, refers to the O'Grianna case, noting that the BESS is a standalone project and not part of a windfarm development.

Privacy, Lighting and Noise Impacts

- The Old Dublin Road and mature boundary vegetation provide a buffer to nearby dwellings. CCTV system would be inward-facing and infrared technology would be used to avoid the need for permanent lighting. Detailed noise assessments would be required by condition at permission consequent stage.

- Issues relating to residential amenity can be further addressed at permission consequent stage.

Conflict with Planning Policy and Legislation

- The proposal is supported by local, regional and national planning policy.
- Planning authority screened out AA and EIA.
- Further assessments required at permission consequence stage, including flood risk assessment ensure compliance with proper planning and sustainable development.

6.4. Response from Planning Authority

In a response received on the 13th August 2025, the planning authority advised that it had no further comment to make on the application.

6.5. Prescribed Bodies

Observations were invited from The Heritage Council, An Taisce, An Chomhairle Ealaíon (Arts Council) and Fáilte Ireland. No response was received.

7.0 Section 132 Notice - Further information

7.1. Background

Firewater

With regards Battery Energy Storage Systems, a key environmental consideration during a fire event is the run-off of firewater.

The EPA Guidance on Retention Requirements for Firewater Run-off defines “firewater” as the liquid that arises from water, foam, rainwater or other substances that have been used for firefighting purposes, and are therefore likely to contain polluting matter, particularly arising from them having come into contact with combustion products. The guidelines also outline that firewater arising from a fire incident typically contains high concentrations of substances which are harmful to the

aquatic environment, and if it is allowed to enter into soil, drains or watercourses in an uncontrolled manner, it has the potential to cause significant environmental damage.

No details were provided with the application as lodged to demonstrate that suitable catchment, containment or treatment measures would be in place for firewater runoff to avoid contamination of surface or groundwater, nor details of any mitigation required. The submitted application form states that proposals for both 'surface water disposal' and 'wastewater management' is 'not applicable', and the submitted planning statement and battery safety management plan are silent on both the management of surface water or firewater runoff. The applicant's response to the third-party appeal states that the proposal will be subject to detailed flood risk assessment and drainage design at permission consequent stage.

AA Screening

Article 236 of the Planning and Development Regulations 2001 (as amended) states that *...an outline application may not be made in respect of development which requires an NIS*.

Furthermore, Article 236(2) reads as follows:

(2) Where a planning authority receives an outline application, or the Board an appeal in respect of such an application, in relation to development which would, in its opinion, be likely to have a significant effect on a European site, it shall as soon as may be after receipt of the application or appeal, as appropriate, by notice in writing—

(a) inform the applicant that an outline application may not be made in respect of the development, and

(b) indicate that the authority or the Board, as appropriate, considers that the development would be likely to have a significant effect on a European site, and that an application for permission to the authority, accompanied by a Natura impact statement, would be required for such development.

Article 6 of the Habitats Directive considers whether or not a proposed plan or project would significantly affect the integrity of a European Site.

The site is not located within or adjacent to any designated sites. The closest European Sites are as follows:

- Ballysadare Bay SAC (Site Code: 000622), c. 2.2km southwest of the site
- Ballysadare Bay SPA (Site Code: 004129), c. 2.2km southwest of the site

The application as initially lodged contained no information on the existing field or road drainage network in the area. GSI mapping shows that the site is underlain by a regionally important aquifer - Karstified (conduit), high and extreme ground water vulnerability and with well-drained mineral soil.

The submitted planning statement includes a brief AA screening exercise which concludes that Stage 2 AA (Natura Impact Statement) is not required however it also states that an application for permission consequent would include a detailed AA screening. The planning authority concluded that having regard to the nature of the proposed development, surrounding environment and location in close proximity to similar such developments and its remove from the EU designated sites in the Natura 2000 network, it is considered that the proposed development – on its own or in combination with other projects – would not have any impact on such sites.

The third-party appeal makes reference to the absence of containment measures for firewater and further raises the issue of drainage and flood risk in the context of AA screening and questions the robustness of the AA screening carried out by the local authority in the absence of sufficient information including ecological impact assessment and hydrological analysis.

The applicant's response to the third-party appeal states that the proposal will be subject to detailed flood risk assessment and drainage design at permission consequent stage. The applicant also refers to a 'robust and thorough assessment' by the planning authority of the application, including AA and EIA screening, concluding that the proposal is acceptable in principle subject to safeguarding and detailed evaluations at permission consequence stage.

I considered that insufficient information had been submitted with regards drainage proposals, in respect of both surface water run off at construction and operational stages and wastewater (firewater) treatment at operational stage, and that by association, insufficient information had been submitted for AA screening.

7.2. Further Information request:

A section 132 notice, dated 19th November 2025, was issued to the applicant requesting the following further information:

1. Drainage proposals designed to manage rainfall runoff and fire water runoff, with associated calculations to be informed by anticipated fire water requirements for the proposed development. Drainage proposals shall include details to demonstrate that suitable catchment, containment and on-site treatment measures would be in place for firewater runoff and other potential firefighting substances (such as foam) and also details of any mitigation measures necessary to ensure that there will be no contamination of surface or groundwater, and that consideration has been given to potential downstream impacts.
2. Any other plans, assessments and reports that may be related to, or associated with, the drainage proposals prepared in response to Item 1, for example, but not limited to, a site-specific flood risk assessment and outline construction and environmental management plan.
3. A revised appropriate assessment screening report to address the proposed development and to take account of the plans and other particulars prepared in response to Items 1 and 2 above.
4. A hard copy of the submitted Site Layout Plan (drawing number: PL-01 Rev 4). You are advised that the site layout plan, as submitted to the local authority, does not scale correctly as a digital drawing.

In responding to Items 1, 2 and 3 above, the applicant was asked to be cognisant of the following:

- For Battery Energy Storage Systems (BESS), a key environmental consideration during a thermal runaway fire event is the run-off of fire water into surface and ground water networks. The EPA's Guidance on Retention Requirements for Firewater Run-off defines "firewater" as the liquid that arises from water, foam, rainwater or other substances that have been used for firefighting purposes, and are therefore likely to contain polluting matter, particularly arising from them having come into contact with combustion

products. The Guidelines also outline that firewater arising from a fire incident typically contains high concentrations of substances which are harmful to the aquatic environment, and if it is allowed to enter into soil, drains or watercourses in an uncontrolled manner, it has the potential to cause significant environmental damage.

- Pursuant to Article 24 and, by association, Article 22(2)(c), of the Planning and Development Regulations 2001 (as amended), where it is proposed to dispose of wastewater from the proposed development other than to a public sewer, an application for outline permission shall be accompanied by information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed.
- Article 236(1) of the Planning and Development Regulation 2001 (as amended) states that '...an outline application may not be made in respect of development which requires an NIS'. Furthermore, Article 236(2) of the same regulations provides that where An Coimisiún receives an appeal in respect of an outline application in relation to development which would, in its opinion, be likely to have a significant effect on a European site, it shall as soon as may be after receipt of the appeal, by notice in writing inform the applicant that an outline application may not be made in respect of the development.

7.3. Applicant's response to further information request

7.3.1. Further information was received from the applicant on the 26th February 2026. The response was accompanied by the following documents:

- Cover Letter
- Flood Risk Assessment and Drainage Strategy
- Outline Construction and Environmental Waste Management Plan
- Fire Safety Assessment Report
- Appropriate Assessment Screening Report
- Biodiversity Net Gain Report
- Site Layout Plan (dwg. no. PL-01 Rev. 4) – submitted in hard copy format in response to Item 4 of the s. 132 notice.
- New drawing - Existing Site Drainage Pattern (dwg. no. 0020 Issue A)

- New drawing - Proposed Site Drainage Layout (dwg. no. 0021 Issue A)

A response to each item is summarised below.

- 1. Drainage proposals designed to manage rainfall runoff and fire water runoff, with associated calculations to be informed by anticipated fire water requirements for the proposed development. Drainage proposals shall include details to demonstrate that suitable catchment, containment and on-site treatment measures would be in place for firewater runoff and other potential firefighting substances (such as foam) and also details of any mitigation measures necessary to ensure that there will be no contamination of surface or groundwater, and that consideration has been given to potential downstream impacts.**
- 2. Any other plans, assessments and reports that may be related to, or associated with, the drainage proposals prepared in response to Item 1, for example, but not limited to, a site-specific flood risk assessment and outline construction and environmental management plan.**

Response

The applicant has submitted a 'Flood Risk Assessment and Drainage Strategy', which is summarised in the submitted cover letter and cross referenced with an 'Outline Construction and Environmental Waste Management Plan' and 'Fire Safety Assessment Report'. Existing and proposed site drainage drawings have also been submitted. The general strategy can be summarised as follows:

- The site is currently an agricultural field used as pasture. The site slopes by c. 5m from north to south. Rainwater percolates to the ground or gravitates towards a natural depression in the south-west corner.
- The proposed drainage strategy seeks to generally follow the existing drainage arrangement thus rainwater, including run off from buildings and containers, would percolate to the ground and/or gravitate towards the lower / southwestern end of the site.
- The drainage strategy is based upon rainfall and firewater run-off calculations for the site.
- The 38 no. battery unit containers would each be positioned on individual concrete support structures / footings with the compound otherwise comprising a permeable sand based surface, including the space between the footings beneath the containers. A section detail is provided on dwg. no. 0021 Issue A.

The internal access track would be c. 5m wide and comprise permeable gravel aggregate. A section detail is provided on dwg. no. 0021 Issue A.

- The site has an area of c. 1.2ha. The total non-permeable surface area proposed is c. 996.9sq.m (0.0996ha).
- It is proposed to construct an attenuation pond in the southwestern end of the site. Runoff rates will be restricted to greenfield runoff rates and the attenuation pond will be sized accordingly.
- The submitted flood risk assessment identifies that the site is located in 'Flood Zone C' within which 'highly vulnerable development' is deemed appropriate as per The Planning System and Flood Risk Management - Guidelines for Planning Authorities, 2009.
- The attenuation pond will be designed for the 0.1%AEP future scenario which will account for 30% climate change and 1,000mm sea level rise. Should the pond be exceeded by a storm event, land south of the pond, which is at level below the adjoining laneway, will provide additional flood water storage. Boundary ditches may need to be increased in size / built up to prevent water from flowing onto adjacent roads during such an event. The proposed drainage drawing shows a 1m high berm abutting the pond on its south, west and north sides.
- In the unlikely event of a fire, water will be used on the adjacent units to keep them cool and prevent the fire spreading. Water will not be used on the unit that is on fire. Water runoff therefore will not be contaminated and can run off to the ground and attenuation pond and percolate to the ground.

The submitted Fire Safety Assessment Report can be summarised as follows:

- The report provides a fire safety review of the proposed BESS.
- The report provides an overview of fire risk associated with the main components of a BESS, namely inverters, transformers and batteries, and outlines current approach to mitigation.
- The application refers to the possible use of lithium-ion and lithium-iron batteries however the type will not be specified at this stage due in part to the constantly evolving technology. The report also notes that specifics of fire safety

design vary between suppliers therefore the report lists typical safety features such as battery management systems, fire detection, etc.

- The report does not seek to provide a full specification or opinion on the entirety of a BESS system design, instead the aim is to limit the content to such matters that directly relates to facilitating a safe and effective response by the fire and rescue service, such as access.

3. A revised appropriate assessment screening report to address the proposed development and to take account of the plans and other particulars prepared in response to Items 1 and 2 above.

Response

The response included a revised AA Screening Report, summarised as follows:

- Refers to the submitted Flood Risk Assessment and Drainage Strategy Report.
- Identifies 11 no. European Sites within 15km of the site, including Ballysadare Bayt SAC and SPA.
- Out of an abundance of caution, the AA screening report identifies a remote hydrological pathway between the site and the Ballysadare Bay SAC and SPA via groundwater drainage, however considers that based on the small scale nature of the development and distance to the SAC / SPA, across an agricultural environment, any pollutants would settle/ disperse within the attenuation pond and filter out by the surrounding land.
- The AA screening report concludes that in the absence of mitigation significant effects on the Ballysadare Bay SAC and SPA are not likely.

4. A hard copy of the submitted Site Layout Plan (drawing number: PL-01 Rev 4). You are advised that the site layout plan, as submitted to the local authority, does not scale correctly as a digital drawing.

Submitted.

7.4. Responses to Circulation of Further Information

The further information received was circulated to the various parties to the appeal for comment. The response submissions are summarised below.

7.4.1. Appellant

No response.

7.4.2. Planning Authority

A response received on the 16th March 2026 stated that the planning authority had no additional comments to make.

8.0 Assessment

Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Fire Risk and Battery Safety Management
- Drainage and Firewater
- Appropriate Assessment
- Residential Amenity
- Other Matters

The issues of EIA and Water Framework Directive screening also need to be addressed.

8.1. Principle of Development

- 8.1.1. The proposal is for a battery energy storage system (BESS) and associated infrastructure. The site is located in a predominantly rural area with a number of rural dwellings to the south and west of the site, however there are also light industrial uses located intermittently along the Old Dublin Road, including a car dealership adjoining the site to the north, reflective of the fact that under previous town development plans, the Sligo town boundary extended south on the Old Dublin Road to its junction with the N4. The site is contained in the rural area under the Sligo CDP 2024-2030, thus outside the settlement boundary and not subject to any zoning objective.

- 8.1.2. I have considered the proposed facility in the context of national and regional and planning policy. The relevant policy is set out under Section 5 of my report above. I am satisfied the development as proposed is consistent with such policies and objectives, in principle, and that it would help contribute to the country's obligations regarding its transition to a low climate resilient society by helping to address climate change and a move away from fossil fuel usage.
- 8.1.3. In particular, I note in the government document entitled 'Electricity Storage Policy Framework for Ireland (2025)' where it is stated under Section 3.8 that 'the next challenge, beyond the immediate term, is to ensure the development of sufficient electricity storage systems to meet the third Carbon Budget. To do so, it is the view of the Irish Government that large quantities of electricity storage are required to be added to the electricity grid in the near-term (2030-2040)'. The document goes on to say that Electricity Storage Systems (ESS) have an important role to play in facilitating several CAP and Sectoral Emissions targets, including supporting onshore and offshore wind and solar generation energy targets for 2030.
- 8.1.4. In relation to local policy, I note that section 31.3.8 of the CDP outlines that energy storage systems such as batteries and green hydrogen storage, along with grid stability services, are some of the technologies that will be essential to smoothing out the natural variability that occurs in renewable energy sources and to provide electricity at times of peak demand. Associated Policy P-EN-1 seeks to support the sustainable development, upgrading and maintenance of energy generation, transmission, storage and distribution infrastructure, to ensure the security of energy supply and provide for future needs, as well as protection of the landscape, natural, archaeological and built heritage, and residential amenity.
- 8.1.5. Therefore, relevant national, regional and local planning policy supports and facilitates appropriate levels of renewable energy generation, including the provision of battery storage infrastructure, to meet renewable energy targets and to facilitate a reduction in CO² emissions in accordance with EU and national legislation, policy and guidance.
- 8.1.6. In summary, I conclude that the use of the land for a battery energy storage system is acceptable in principle, subject to meeting other relevant planning and legislative considerations and requirements, which are addressed below.

8.2. Fire Risk and Battery Safety Management

- 8.2.1. A ground of appeal relates to the management of fire risk, contending that the issue has not been sufficiently addressed in the application. The concern of the appellant relates predominantly to the absence of information on a firefighting procedure in the event of a major fire / thermal runaway event and impact of same on the safety of adjoining residents and on the environment particularly in terms of water pollution.
- 8.2.2. The applicant's response to the appeal outlines that the BESS site has been designed with the highest safety standards in mind, that an Outline Battery Safety Management Plan has been submitted with the application and that detailed fire safety management, including consultation with the local fire services, will be conducted at permission consequence stage.
- 8.2.3. The Outline Battery Safety Management Plan submitted with the application as lodged seeks to demonstrate that firefighting was a key consideration in the site layout and general arrangement, informed by various guidance documents including the National Fire Chiefs Council – Grid Scale Battery Energy Storage System Planning –Guidance for FRS (2022), referred to hereafter as the NFCC Guidelines.
- 8.2.4. The plan refers to a Design Risk Management (DRM) process considered as part of the site design and will be initiated in full upon the selection of the equipment supplier, therefore providing a robust platform for eliminating risk by utilising key principles of 'good design', i.e., Prevention through Design (PtD), where these opportunities may be possible. With regards fire suppression, the plan outlines that battery cabinets will be equipped with fire suppression systems consisting of smoke and temperature detectors and extinguishers and that the chosen system will incorporate numerous design features to mitigate hazards and risks, and that equipment will meet all applicable standards.
- 8.2.5. Additionally, in response to a s. 132 notice, the applicant submitted a Fire Safety Assessment Report, the purpose of which was to outline how the site layout provides for a safe and effective response by the fire and rescue services.
- 8.2.6. With regards water supply for firefighting, in the absence of Irish guidance, reference is made to the UK NFCC Guidelines, which outline that there should be enough water available to meet firefighting requirements and to manage a reasonable worst-case

scenario, and that depending on the site, this may be provided through storage tanks, on-site lagoons, hydrants, or mains water supply. The NFCC Guidelines outlines that where a flow of 25L/sec cannot be achieved, it would be prudent to provide an equivalent static supply of water on site that will provide for the same flow rate for a duration of 120 minutes. This equates to approximately 180,000L of water, with the guidance noting that this figure is based on the National Guidance Document on the Provision of Water for Firefighting (2025).

- 8.2.7. The Outline Battery Safety Management Plan states that water supply for firefighting will provide 1,900 litres per minute for at least two hours as a minimum, in accordance with NFCC Guidelines.
- 8.2.8. The applicant has not included any evidence of engagement with Uisce Eireann with regards water supply nor engagement with the local authority fire services with regards general emergency planning. I do note however that the planning authority referred the application to Uisce Eireann and the Chief Fire Officer and there is no record on file that a response was received from either.
- 8.2.9. From a purely emergency access and firefighting perspective, I am generally satisfied that the layout of the proposal and outline procedures, including access from the public road, circulation within the site and space to facilitate on-site storage of water, is acceptable and aligns with the guidance on such matters as contained in NFCC Guidelines.

8.3. Drainage and Firewater

- 8.3.1. As noted above, one of the key concerns of the appellant relates to management of firewater runoff in the event of a fire event.
- 8.3.2. CDP Policy P-SWD-2 seeks to require that planning applications are accompanied by a comprehensive SuDS assessment that addresses run-off quantity, run-off quality and its impact on the existing habitat and water quality.
- 8.3.3. The 38 no. battery unit containers would each be positioned on individual concrete support structures / footings with the compound otherwise comprising a permeable sand based surface, including the space between the footings beneath the containers. A section detail is provided on dwg. no. 0021 Issue A. The internal access track would

be c. 5m wide and comprise permeable gravel aggregate. A section detail is provided on dwg. no. 0021 Issue A.

- 8.3.4. As noted above, the NFCC Guidelines outlines that there should be enough water available to meet firefighting requirements and to manage a reasonable worst-case scenario. The application outlines that on-site storage of firefighting water will meet the NFCC Guideline requirement of 180,000 litres.
- 8.3.5. The application, as lodged, contained no details to demonstrate that suitable catchment, containment or treatment measures would be in place for firewater runoff to avoid contamination of surface or groundwater, nor details of any mitigation required.
- 8.3.6. The s. 132 notice issued to the applicant included a request to outline that suitable catchment, containment and on-site treatment measures would be in place for firewater runoff and also details of any mitigation measures necessary to ensure that there will be no contamination of surface or groundwater. The notice also asked the applicant to have regard to the EPA's Guidance on Retention Requirements for Firewater Run-off.
- 8.3.7. The proposed drainage strategy submitted seeks to generally follow the existing natural drainage arrangement on the site thus rainwater, including run off from buildings and containers, would percolate to the ground and/or gravitate towards the lower / southwestern end of the site. It is proposed to construct an attenuation pond in the southwestern end of the site. Runoff rates will be restricted to greenfield runoff rates and the attenuation pond will be sized accordingly. Of note is that the response cover letter outlines that the drainage strategy is based upon rainfall and firewater runoff calculations for the site. I am not satisfied that this is the case.
- 8.3.8. The drainage strategy refers to the use of firewater for cooling units. The strategy is based on the applicant's view that in the unlikely event that a BESS cabinet goes in fire, the cabinet will be left to burn out and firefighting water will only be used to cool adjacent BESS units therefore firewater will not be contaminated and therefore firewater runoff will be allowed to percolate to the ground directly or via the attenuation pond. In my view, this approach is not consistent with the NFCC Guidelines which state firstly that there should be enough water available to meet firefighting requirements and to manage a reasonable worst-case scenario, and secondly that

protection measures should include systems for containing and managing water run-off.

- 8.3.9. The drainage strategy outlines that the attenuation pond will be designed for the 0.1%AEP future scenario which will account for 30% climate change and 1,000mm sea level rise. Should the pond be exceeded by a storm event, land south of the pond, which is at level below the adjoining laneway, will provide additional flood water storage. Recommended mitigation contained in the submitted flood risk assessment includes that boundary ditches may need to be increased in size / built up to prevent water from flowing onto adjacent roads during such an event. The proposed drainage drawing shows a 1m high berm abutting the pond on its south, west and north sides, which appears to be the associated mitigation measure.
- 8.3.10. In terms of flood risk, the submitted flood risk assessment identifies that the site is located in 'Flood Zone C' within which 'highly vulnerable development' is deemed appropriate as per The Planning System and Flood Risk Management - Guidelines for Planning Authorities, 2009.
- 8.3.11. From a purely drainage capacity perspective, the drainage strategy and outline design of the on-site attenuation pond appear to be based on calculations which take account only of rainwater runoff including intensification of same due to climate change, but does not appear to capture firewater runoff in the event of a fire event nor the worst-case scenario of a fire event during or in the aftermath of a heavy rain event.
- 8.3.12. Furthermore, and by association with the drainage strategy and nature of BESS compound surface material, the applicant has sought not to contain firewater runoff rather takes the view, as outlined above, that firewater would not be contaminated and thus could run-off and drain freely to the ground. In my opinion, the applicant's view on firewater and potential contamination of same and the associated drainage strategy has not been sufficiently justified or supported by suitable evidence, and is odds with NFCC and EPA guidance and, as such, based on the drainage strategy and management of firewater, as proposed, I am not satisfied that suitable protection is afforded to ground and surface waters.
- 8.3.13. Furthermore, and by association with the above, the application does not provide information on the type of battery proposed, rather gives typical details stating that the battery type will be confirmed at permission consequent stage. Without the details of

specific battery type, the application is, in my view, deficient of information with regards measures to mitigate risks such as thermal runaway, propensity for fire, toxic emissions, contamination of groundwater, etc. This is critical in assisting with the deployment of a firefighting response and strategy in case of emergency. It clarifies whether the appropriate mitigation measures have been adopted. In my view, the absence of such critical information is a fundamental weakness in the outline permission process for a project like BESS.

8.3.14. As outlined in Section 7.0 above, GSI mapping shows that the site is underlain by a regionally important aquifer - Karstified (conduit), suggesting a rapid flow of groundwater, and with areas of high and extreme ground water vulnerability. The submitted site plan shows the location of two open wells down gradient of the site to the southwest. A further review of bedrock aquifer data on the GSI website indicates that the closest waterbody to the site, the Carrowgobbadagh stream, part of Knocknahur_010, located c. 440m downgradient to the southwest of the site, is aquifer fed, and located within the same groundwater sub-catchment (Carrowgobbadagh) as the appeal site, indicating, in my view, a very strong hydrological connection between the site, underlying groundwater and the stream, noting that the stream flows southwest to Ballysadare Bay. By association, direct drainage of firewater to the ground and potential overspill from the attenuation pond to the public road, has the potential to adversely impact existing habitats and water quality, contrary to CDP Policy P-SWD-2, with implications for water quality having regard to Appropriate Assessment and Water Framework Directive. These are discussed under Section 8.4 and Section 10.0 of my report, respectively.

8.3.15. I would also ask the Commission to be mindful that the s. 132 notice issued to the applicant advised that pursuant to Article 24 and, by association, Article 22(2)(c), of the Planning and Development Regulations 2001 (as amended), where it is proposed to dispose of wastewater from the proposed development other than to a public sewer, an application for outline permission shall be accompanied by information on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed. In the response, the applicant took the view that wastewater in this context related to the management of human effluent, however reference to same in the s. 132 notice was in the context of firewater runoff constituting wastewater. In this regard, the planning act nor regulations provide a definition for 'wastewater' however

the Water Services Act 2007 defines 'Waste Water' as *sewage, storm water or other effluent discharged, or to be discharged, to a drain, service connection or sewer.*

- 8.3.16. In my view, the application has not been accompanied by sufficient information on an on-site treatment system for firewater run-off, thus non-compliant with Article 24 and, by association, Article 22(2)(c), of the Planning and Development Regulations 2001 (as amended).

8.4. Appropriate Assessment

- 8.4.1. The third-party appeal makes reference to the absence of containment measures for firewater and further raises the issue of drainage and flood risk in the context of AA screening and questions the robustness of the AA screening carried out by the local authority in the absence of sufficient information including ecological impact assessment and hydrological analysis.
- 8.4.2. CDP Policy P-DSNC-1 seeks to protect and maintain the conservation status of all natural heritage sites including Special Areas of Conservation (SAC) Special Protection Areas (SPA).
- 8.4.3. The NFCC Guidelines advises that suitable environmental protection measures should be provided including systems for containing and managing water run-off.
- 8.4.4. As noted above, the s. 132 notice issued to the applicant included a request to outline suitable catchment, containment and on-site treatment measures would be in place for firewater runoff and a revised appropriate assessment screening report to take account of the proposed drainage strategy.
- 8.4.5. An updated AA screening report, submitted in response to the s. 132 notice, identifies 11 no. European Sites within 15km of the site, including Ballysadare Bay SAC and SPA.
- 8.4.6. Out of an abundance of caution, the AA screening report identifies a remote hydrological pathway between the site and the Ballysadare Bay SAC and SPA via groundwater drainage, however considers that based on the small scale nature of the development and distance to the SAC / SPA, across an agricultural environment, any pollutants would settle/ disperse within the attenuation pond and filter out by the surrounding land.

- 8.4.7. The updated AA screening report refers to the conclusions of the submitted Flood Risk Assessment and Drainage Strategy Report and is therefore predicated on the understanding that firewater runoff would not be contaminated and that surface water run-off including firewater would be suitably attenuated on site with mitigation to avoid overflow to adjoining roads.
- 8.4.8. The AA screening concludes that in the absence of mitigation significant effects on the Ballysadare Bay SAC and SPA are not likely.
- 8.4.9. Refer to Appendix 2. Having regard to the water quality dependency of certain QIs listed under both the SAC and SPA, for example the estuaries and mudflat habitats and Harbour Seal, and on the basis of information provided with the application with regards drainage and containment of firewater and in conjunction with the potential for hydrological connections to Ballysadare Bay SAC and SPA, I am not satisfied that the development individually, or in combination with other plans or projects, would not adversely affect the integrity of these European Sites in view of the sites' Conservation Objectives. In the absence of more detailed information, or a Natura Impact Statement, adverse effects on the integrity of Ballysadare Bay SAC or Ballysadare Bay SPA cannot be excluded.
- 8.4.10. The applicant also makes reference to S.I. No. 274/2025 - European Union (Planning and Development) (Renewable Energy) Regulations 2025, which introduced Section 177AA to the Planning and Development Act 2000, which reads as follows:
- Proposed development that is the planning, construction and operation of a renewable energy plant, any works necessary for the connection of such a plant to the grid, and any related grid or storage assets, is presumed to be in the overriding public interest and serving public health and safety when balancing legal interests in the individual case.*
- 8.4.11. Section 177AA of the Act relates to Appropriate Assessment. In my view Section 177AA is relevant in a situation where Appropriate Assessment of a project has been carried out and the results of the which shows that the proposed development would adversely affect the integrity of a European Site. At that stage, the provisions of Section 177AA could be considered in terms of whether there are imperative reasons of overriding public interest that would justify granting permission. As such, to reference Section 177AA of the Act at this stage, is, in my view, premature. And, of

particular relevance, and as highlighted above, is Article 236(1) of the 2001 Regulations which states that ‘...*an outline application may not be made in respect of development which requires an NIS*’

Procedural Issue with regards AA

- 8.4.12. I would also ask the Commission to be mindful that the s. 132 notice issued to the applicant advised that Article 236(1) of the Planning and Development Regulation 2001 (as amended) states that ‘...*an outline application may not be made in respect of development which requires an NIS*’. Furthermore, Article 236(2) of the same regulations provides that where An Coimisiún receives an appeal in respect of an outline application in relation to development which would, in its opinion, be likely to have a significant effect on a European site, it shall as soon as may be after receipt of the appeal, by notice in writing inform the applicant that an outline application may not be made in respect of the development.
- 8.4.13. Having regard to the substantive reasons for refusal, relating to drainage and associated potential adverse impact on water quality in the context of both AA and the Water Framework Directive (see section 10.0 below with regards the WFD), it may not be considered necessary to exercise discretion under Article 236(2).

8.5. Residential Amenity

- 8.5.1. A ground of appeal relates to the perceived adverse impact on residential amenity by reason of lighting, CCTV cameras and operational noise and absence of details with regarding same. The appellant also raises concern with regards visual impact and lack of assessment of same.
- 8.5.2. The applicant’s response to the appeal outlines that the Old Dublin Road and mature boundary vegetation provide a buffer to nearby dwellings. The applicant also outlines that CCTV system would be inward-facing and infrared technology would be used to avoid the need for permanent lighting and that detailed noise assessments would be required by condition at permission consequent stage. The applicant further notes issues relating to residential amenity can be further addressed at permission consequent stage.

In my view, the conventional amenity issues such as visual impact, lighting, noise and CCTV design could suitably be considered at a permission consequent stage, noting

in particular conditions 1, 3 and 5 on the local authority's decision. However, I am concerned that the applicant's approach to emergency planning and firefighting, particularly the absence of an acknowledgement of worst-case scenario events such as thermal runaways, creates residual risk to residential amenity and public health, particularly for those residents living within close proximity to the site. The Commission is advised that this issue is directly associated with the substantive issue of firewater runoff for which the recommended reasons of refusal relate.

8.6. Other Matters

Future Expansion

- 8.6.1. A ground of appeal relates to the blue line boundary and potential future expansion of the BESS facility, if granted. In the event that the subject application for outline permission is granted and a subsequent application for permission consequent is granted, any further expansion into other lands in the same ownership or otherwise, will required separate planning permission.

Archaeology

- 8.6.2. There are no recorded monuments on the site however the site does intersect with the zone of notification of a recorded monument located at the eastern side of the same field in which the site is located. The recorded monument is identified on the Heritage Council's heritagemaps.ie database as Enclosure ref. SL020-082---- and described as comprising an oval raised area located in undulating pasture planted with trees.
- 8.6.3. A report received by the planning authority from the Development Assessment Unit of the Department of Housing, Local Government and Heritage recommended further information requiring an archaeo-geophysical survey and test trenching, noting the presence of a recorded monument on adjoining land.
- 8.6.4. The planning authority's condition no. 3 requires that the results of geo-physical survey and test trenches be submitted at permission consequent stage. I consider this to be reasonable. If the Commission is minded to grant outline permission, I recommend that the planning authority's condition is retained.

9.0 EIA Screening

With reference to Appendix 1 of this report, I consider that the proposed development is not a class of development for purposes of EIA.

10.0 Water Framework Directive

Refer to Appendix 3. On the basis of information provided with the application in terms of the management of firewater, it cannot be determined that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives. I recommend that the application is refused on this basis. The Commission may consider requesting the views of interested parties on the issue of the WFD however this issue is directly associated with the substantive issue of drainage for which the applicant had an opportunity to address in the s. 132 notice.

11.0 Recommendation

I recommend that planning permission be refused for the reasons and considerations as set out below.

12.0 Reasons and Considerations

1. Having regard to the information provided with the application, along with the further information submitted to An Coimisiún Pleanála in response to a notice issued under Section 132 of the Planning and Development Act 2000, as amended, including an Appropriate Assessment Screening Report, the Commission is not satisfied that it has been demonstrated that the proposed development either individually, or in combination with other plans or projects, would not give rise to significant effects Ballysadare Bay SAC (Site Code: 000622) or Ballysadare Bay SPA (Site Code: 004129), in view of the sites' Conservation Objectives.

With regards Battery Energy Storage Systems, a key environmental consideration during a fire event is the run-off of firewater. Whilst the proposed development

makes provision for on-site water storage to meet firefighting requirements, the Commission is not satisfied that the applicant has provided sufficient technical information to demonstrate that the drainage strategy accounts for firewater runoff, including technical information to demonstrate that the protection measures are sufficient to contain and manage firewater run-off.

By association with the above, based on the information submitted and having regard to potential surface and ground water hydrological connections between the site and Ballysadare Bay, the Commission is not satisfied that the applicant has adequately considered the potential contamination by firewater runoff of surface and ground water, therefore there is uncertainty as to the likely significant effects on Ballysadare Bay SAC and Ballysadare Bay SPA.

In the absence of more detailed information, or a Natura Impact Statement, adverse effects on the integrity of Ballysadare Bay SAC or Ballysadare Bay SPA cannot be excluded.

2. Having regard to the nature and location of the proposed development, including the site's location within the Carrowmore West ground waterbody, which is designated as a good status water body under the Water Framework Directive, and on the basis of the information provided with respect to the management of firewater runoff, the Commission is not satisfied that the proposed development would not give rise to a risk of deterioration in the ecological and/or chemical status of the said water body, the proposed development would be therefore be contrary to the requirements of Article 4 of the EU Water Framework Directive (2000/60/EC), as transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), as amended, and would be inconsistent with the objectives of the Water Action Plan 2024 and the proper planning and sustainable development of the area.

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.

Jim Egan
Planning Inspector

17th June 2026

Appendix 1 – EIA Form 1

EIA Pre-Screening

Case Reference	ACP-323218-25
Proposed Development Summary	Outline Permission for Battery Energy Storage System and all associated site works.
Development Address	Old Dublin Road, Carrickhenry, Co Sligo
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA? (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)	☒ Yes, it is a ‘Project’. Proceed to Q2.
	☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☒ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under	There is no specific class or threshold for BESS in Schedule 5 of the Planning and Development Regulations 2001, as amended.

Article 8 of the Roads Regulations, 1994. No Screening required.	Schedule 5, Part 2, Class 1(a) Projects for the restructuring of rural landholdings, 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 proposal is contained within a single field. Approx. 60m of existing hedgerow to be removed for works to existing entrance to achieve sightlines. Having regard to the purpose and nature of the proposal, such non-agricultural development would not constitute rural restructuring under Class 1 of Part 2 of Schedule 5. Class 10 Infrastructure Projects (dd) All private roads which would exceed 2000 metres in length. The application proposes c. 500m of access track that does not come within the meaning of private road.
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	
☐ Yes, the proposed development is of a Class but is sub-threshold. Preliminary examination required. (Form 2) OR If Schedule 7A information submitted proceed to Q4. (Form 3 Required)	

Inspector: _____

Date: _____

Appendix 2 - AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics Case File: ACP-323218-25	
Brief description of project	Outline Permission for Battery Energy Storage System and all associated site works. See Section 2.0 of Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	The applicant seeks outline permission for a Battery Energy Storage System and all associated site works on a greenfield site of c. 1.2ha in the rural area outside of the urban development boundary of Sligo town. The site is not located within or immediately adjacent to any designated site. The proposal includes for on site water storage however the application is not explicit in terms of a water source. Mains sewer is not available at this location. The closest surface water body is the Carrowgobbadagh stream (Knocknahur_010), located c. 440m downgradient to the south. The stream flows in a southwest direction and discharges into the Ballysadare Estuary c. 3km to the southwest of the site. The submitted site plan shows the location of two open wells down gradient of the site to the southwest. GSI mapping shows that the site is underlain by a regionally important aquifer - Karstified (conduit), which extends south towards Ballysadare Bay and east towards Lough Gill. A karstified aquifer suggests a rapid flow of groundwater. The GSI mapping also shows that the site is located across areas of high and extreme ground water vulnerability, thus highly susceptible to groundwater contamination. A further review of bedrock aquifer data on the GSI website suggests that Carrowgobbadagh stream is aquifer fed, and located within the same groundwater sub-catchment (Carrowgobbadagh) as the appeal site, indicating, in my view, a very strong hydrological connection between the site and Ballysadare Bay via both underlying groundwater and the stream. Furthermore, the topography of the site and surrounding area (land rising west, north and east away from the site)

	suggest that any surface water that flows from the site to the adjoining roads would gravitate south to join the local open drain network that converges towards Ballysadare Estuary. Decisions of note: <u>P.A. Ref. 07290</u> – grant of retention permission for development at Molly Fulton's Bar (c. 140m southwest of the site on the Old Dublin Road) included a site plan which indicated an existing 150mm storm sewer running south from the site along the Old Dublin Road. <u>P.A. Ref. 16290</u> – grant of permission for development at Kevin Egan Cars (c. 300m further south of the site on the Old Dublin Road) included a surface water drainage system to comprise attenuated stormwater discharged via an underground pipe to an existing open roadside drain on the west side of the Old Dublin Road. Referring to the EPA mapping, that drain continues southwest towards the Ballysadare Estuary. <u>P.A. 2460138 / ABP-321239-24</u> – relates to a 2025 refusal of permission for the construction of an automotive wholesale and warehousing premises on greenfield land on the Old Dublin Road c. 250m south of the appeal site. Plans showed that surface water was to be attenuated on site via a soakaway system prior to discharge to a stormwater drain on the Old Dublin Road. <u>Drainage Proposal</u> (in response to s. 132 notice) The proposed drainage strategy seeks to generally follow the existing natural drainage arrangement on the site thus rainwater, including run off from buildings and containers, would percolate to the ground and/or gravitate towards the lower / southwestern end of the site, where it is proposed to construct an attenuation pond. Runoff rates will be restricted to greenfield runoff rates and the attenuation pond will be sized accordingly. Of note is that the response cover letter outlines that the drainage strategy is based upon rainfall and firewater run-off calculations for the site. The drainage strategy refers to the use of firewater for cooling units. The strategy is based on the applicant's view that in the event that a BESS cabinet goes in fire, the cabinet will be left to burn out and firefighting water will only be used to cool adjacent BESS units therefore firewater will not be contaminated and therefore firewater runoff will be allowed to percolate to the ground directly or via the attenuation pond.
--	--

	The submitted drainage map shows that the southwestern end of the site is higher than the adjoining Old Dublin Road. Mitigation for surges in surface water on the site includes the construction of a c. 1m high berm to the north, south and west sides of the attenuation pond, however final details of the pond design would be determined at permission consequent stage. <u>Construction Stage</u> The s. 132 response included an outline Construction and Environmental Management Plan. The outline CEMP sets out indicative construction phase measures to control related impacts including impacts on groundwater.
Screening report	Yes, an updated AA screening report was submitted in response to the s. 132 notice. The AA screening identifies a remote hydrological pathway between the site and the Ballysadare Bay SAC and SPA via groundwater drainage, however concludes that a Natura Impact Statement is not required by reason of the absence of a direct hydrological connection between the site and a European site and on the basis of the small scale nature of the site. As outlined in the Inspector's Report, the AA was based on the conclusions of the submitted drainage strategy which outlined the view that firefighting water would not be contaminated therefore could drain to the ground. However, I would note that the s. 132 response cover letter states that an application for permission consequence would include a further detailed AA screening. Sligo County Council screened out the need for AA and made no further comment in response to the s. 132 further information.
Natura Impact Statement	No
Relevant submissions	See Grounds of Appeal section in Inspector's Report.
Step 2: Identification of relevant European sites using the Source-pathway-receptor model	

European Site (code)	Qualifying interests Link to conservation objectives (NPWS, 11th June 2026)	Distance from proposed development (km)	Ecological connections	Consider further in screening Y/N
Ballysadare Bay SAC (Site Code: 000622)	Estuaries, mudflats, sandflats, dunes. Whorl snail and harbour seal. Conservation Objectives NPWS, 2013	c. 2.2km to the southwest	No direct connection. Possible indirect ground and surface water connection.	Y
Lough Gill SAC (Site Code: 001976)	Vegetation, grassland, woods, forests. Crayfish, lamprey, salmon and otter. Conservation Objectives NPWS, 2021	c. 2km to the east	No direct or connection. By reason of distance and topography, no indirect connection via surface or ground water.	N
Ballysadare Bay SPA (Site Code: 004129)	Wintering water birds (5 no. species). Wetland and waterbirds Conservation Objectives NPWS, 2013	c. 2.2km to the southwest	No direct connection. Possible indirect ground and surface water connection.	Y
Cummeen Strand SPA (Site Code: 004035)	Wintering water birds (3 no. species). Wetland and waterbirds Conservation Objectives NPWS, 2013	c. 4.6km to the north	No direct connection. By reason of distance and topography, no indirect connection via surface or ground water.	N
Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites				

AA Screening matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Ballysadare Bay SAC (Site Code: 000622) Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014] <i>Phoca vitulina</i> (Harbour Seal) [1365]	Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect: <u>Construction:</u> Low risk of surface water runoff from construction reaching sensitive receptors. <u>Operational:</u> Risk of surface and ground water contamination. Firewater to discharge directly to the ground.	Estuaries and mudflat habitats are water based and sensitive to degradation of water quality. Also, water quality is a key resource for the Harbour Seal, as set out in the NPWS 'Conservation objectives supporting document - Marine Habitats and Species, 2013', underpinning a target for the SAC that 'Human activities should occur at levels that do not adversely affect the harbour seal population at the site' In the absence of sufficient details on the management / containment of fire water and other firefighting substances, it is not possible to determine that the proposed development is unlikely to generate impacts of a magnitude that could affect habitat quality within the SAC for the QIs listed.
	Likelihood of significant effects from proposed development (alone): Unknown / likely	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
	Impacts	Effects
Ballysadare Bay SPA (Site Code: 004129) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]	Direct: No direct impacts and no risk of habitat loss, fragmentation or any other direct impact. Indirect:	With respect to ex-situ factors, the Ballysadare Bay SPA <i>Conservation Objectives Supporting Document V1, October 2013</i>, outlines that several of the listed waterbird species may at

Grey Plover (<i>Pluvialis squatarola</i>) [A141] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Wetland and Waterbirds [A999]	<u>Construction:</u> Low risk of surface water runoff from construction reaching sensitive receptors. <u>Operational:</u> Risk of surface and ground water contamination. No information submitted with regards surface water drainage in the context of the management /containment of fire water.	times use habitats situated within the immediate hinterland of the SPA or in areas outside of the SPA but ecologically connected to it. Apart from the Light-bellied Brent Goose, the other listed waterbird species are considered totally reliant on wetland habitats due to unsuitable surrounding habitats and/or species limited habitat requirements. The light-bellied goose is deemed to be reliant on the site but highly likely to utilise alternative habitats at certain times (e.g. high tide). Considering the abundant availability of greenfield / grass land outside but in the vicinity of the Ballysadare Bay SPA along with the distance between the appeal site and Ballysadare Bay and the intervening and adjoining land uses, including light industrial, a railway line and a national road, the proposal is unlikely to have any significant ex-situ impacts on wintering water birds. The wetland habitats contained within Ballysadare Bay SPA are identified of conservation importance for non-breeding (wintering) migratory waterbirds. Therefore the wetland habitats are considered to be an additional Special Conservation Interest. In the absence of sufficient details on the management / containment of fire water and other firefighting substances,
---	---	---

		it is not possible to determine that the proposed development is unlikely to generate impacts of a magnitude that could affect habitat quality within the SAC for the Qis and SCIs listed.
	Likelihood of significant effects from proposed development (alone): Unknown / likely	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects?	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Article 6 of the Habitats Directive considers whether or not a proposed plan or project would adversely affect the integrity of a European Site. With regards Battery Energy Storage Systems, a key environmental consideration during a fire event is the run-off of fire water. The <i>EPA Guidance on Retention Requirements for Firewater Run-off</i> is intended to provide guidance to operators of sites licenced by the EPA in relation to firewater retention requirements for firewater run-off. Under those guidelines, the term “firewater” specifically relates to the liquid that arises from water, foam, rainwater or other substances that have been used for firefighting purposes, and are therefore likely to contain polluting matter, particularly arising from them having come into contact with combustion products. The guidelines also outline that firewater arising from a fire incident typically contains high concentrations of substances which are harmful to the aquatic environment, and if it is allowed to enter into soil, drains or watercourses in an uncontrolled manner, it has the potential to cause significant environmental damage. Referring to the WFD screening exercise contained in Appendix 3, GSI mapping shows that the site is underlain by a regionally important karstified aquifer, high and extreme ground water vulnerability and with well drained mineral soil. As such, firewater run-off associated with the recommended minimum rate¹ necessary to cool a thermal runaway event associated with BESS batteries would, in effect, percolate quickly to the groundwater system. Given the karst geology of the area, the rate of movement of firewater through the ground indicates the potential for a greater degree of hydrological connection between the site and the Ballysadare Bay SAC / SPA, and, in my view, over and above the ‘remote’ connection identified in the applicant’s AA screening report. Also, noting the general topography of the area in which the land rises west, north and east of the site, surface water would gravitate south along the Old Dublin Road towards Ballysadare Bay.		

¹ In the absence of national Irish guidance, reference is made to the recommendation under the UK National Fire chiefs Council (NFCC) Grid Scale Battery Energy Storage System planning –Guidance for FRS (Fire and Rescue Services) to provide 1,900 litres per minute of water for 2 hours, as a minimum states that a provision should be made for water for BESS units.

The applicant's drainage report identifies the risk associated with a surge of surface water overspilling to the adjoining roads, with drainage calculations which are, in my view, absent of evidenced based rationale for firewater usage and runoff.

The applicant has taken the view that firewater would not be contaminated by reason of the proposed usage of same for cooling adjoining BESS units and not for firefighting, per se. I am not satisfied that the applicant has provided sufficient information to justify this stance and therefore in the absence of suitable catchment and containment measures for firewater runoff, I am not satisfied that the application has adequately considered the potential contamination of surface and groundwater and therefore potential likely significant effects on a European site.

On the basis of the above, I consider that the application is substantially deficient of technical information to inform an AA screening, specifically regarding the management of firewater runoff. As such, based on the level of information provided, I conclude that adverse effects on the integrity of Ballysadare Bay SAC or Ballysadare Bay SPA cannot be excluded.

Screening Determination

Finding of no likely significant effects

On the basis that insufficient technical information has been provided with the application to demonstrate that suitable catchment and containment measures would be in place for firewater runoff and other potential firefighting substances, I am not satisfied that the development, individually, would not adversely affect the integrity of European Sites proximate to the site, namely the Ballysadare Bay SAC (Site Code: 000622) or Ballysadare Bay SPA (Site Code: 004129), in view of the sites' Conservation Objectives, and that therefore adverse effects on the integrity of Ballysadare Bay SAC or Ballysadare Bay SPA cannot be excluded.

Appendix 3 – WFD Stage 1: Screening

WATER FRAMEWORK DIRECTIVE IMPACT ASSESSMENT STAGE 1: SCREENING

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

ACP ref. no.	ACP-323218-25	Townland, address	Old Dublin Road, Carrickhenry, Co Sligo
Description of project		Outline Permission for Battery Energy Storage System and all associated site works	
Brief site description, relevant to WFD Screening,		• Greenfield site within a rural area. • No indication of a watercourse within the boundary of the site. • Referring to the EPA mapping tool, the nearest waterbody is a stream (EPA Name: Carrowgobbadagh, EPA Code: 35C95, part of Knocknahur_010 located c. 440m to the southwest of the proposed development site. The stream flows northwest to southeast under the Old Dublin Road before turning in a southwest direction, continuing for c. 1.6km before crossing under the N4 and Sligo-Dublin railway line and discharging into Ballysadare Bay. • The proposed development site is located within the Sligo Bay Catchment, and the Carrowgobbadagh sub-catchment. • The site is located in the Carrowmore West ground waterbody, in an area with a Regionally Important karstified aquifer. The majority of the site is within an area of high groundwater vulnerability, whilst a section of the site within the western half is within an area of extreme groundwater vulnerability. • GSI Mapping shows that the soil at this location is underlain by deep well drained mineral soil (mainly acidic). • Submitted site plan indicates the location of 2 no. open wells to the southwest of the site.	

Proposed surface water details	The proposed drainage strategy seeks to generally follow the existing natural drainage arrangement on the site thus rainwater, including run off from buildings and containers, would percolate to the ground and/or gravitate towards the lower / southwestern end of the site, at a point where it is proposed to construct an attenuation pond. Runoff rates will be restricted to greenfield runoff rates and the attenuation pond will be sized accordingly. Of note is that the response cover letter outlines that the drainage strategy is based upon rainfall and firewater run-off calculations for the site. The drainage strategy refers to the use of firewater for cooling units. The strategy is based on the applicant's view that in the event that a BESS cabinet goes in fire, the cabinet will be left to burn out and firefighting water will only be used to cool adjacent BESS units therefore firewater will not be contaminated and therefore firewater runoff will be allowed to percolate to the ground directly or via the attenuation pond.
Proposed water supply source & available capacity	The application is unclear with regards a source of water for firefighting purposes. The outline battery safety management plan states that water will be supplied either by public mains or on-site water tank and that such detail will be subject to discussion with Uisce Eireann at permission consequence stage, but that it will be ensured that the water supply for firefighting will provide 1,900 litres per minute for at least two hours as a minimum, in accordance with National Fire Chiefs Council – Grid Scale Battery Energy Storage System Planning – Guidance for FRS (NFCC Guidelines). Uisce Eireann capacity register (most recent publication dated April 2026) indicates 'Capacity Available' in the Sligo Town & Environs water supply. I note that Sligo Town & Environs water supply covers the wider region including Ballisodare to the south of the appeal site. The application was referred by the planning authority to Uisce Eireann but there is no record that a response was received.
Proposed wastewater treatment system & available capacity, other issues	No foul mains serve the site. The application does not seek to provide wastewater treatment for firewater runoff.
Others?	N/A

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection							
Identified water body	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g. at risk, review, not at risk	Identified pressures on that water body (data to 2021)	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)	Mitigation Measures proposed	Is mitigation sufficient? Will there be any residual impacts?
Carrowgobbadagh Stream	Knocknahur_010 IE_WE_35K430740	The River Waterbody WFD Status 2019-2024 awarded the stream a status of 'Good'	Review	-	Surface water Groundwater	CEMP at construction stage. Drainage Strategy Firefighting strategy	Inconclusive. Insufficient technical information submitted with regards firefighting procedures and the management of firewater runoff.
Ballysadare Estuary	IE_WE_460_0300	The Transitional Waterbody WFD Status 2019-2024 awarded the Ballysadare Estuary a status of 'Moderate'	At Risk	Agriculture Urban Wastewater	Surface water Groundwater	CEMP at construction stage. Drainage Strategy Firefighting strategy	Inconclusive. Insufficient technical information submitted with regards firefighting procedures and the management of firewater runoff.
Carrowmore West groundwater body, in an area of high groundwater vulnerability	IE_WE_G_0040	The Ground Waterbody WFD Status 2019-2024 awarded Carrowmore West groundwater body a status of 'Good'	Not at Risk	-	Surface water Groundwater	CEMP at construction stage. Drainage Strategy Firefighting strategy.	Inconclusive. Insufficient technical information submitted with regards firefighting procedures and the management of firewater runoff.