



An
Coimisiún
Pleanála

Inspector's Report ACP-323688-25

Development

Extension of existing ESB Networks
110KV substation compound,
construction of a 110KV switchgear
building and construction of five
110KV line cable interface masts.
Planning Permission is being sought
for a period of 10 years. A Natura
Impact Statement (NIS) was submitted
with this application.

Location

LISTELLIAN , LETTERKENNY , CO.
DONEGAL

Planning Authority

Donegal County Council

Planning Authority Reg. Ref.

2561152

Applicant(s)

Eirgrid PLC

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party Appeal

Appellant(s)

Geraldine Browne

Observer(s)

None

Date of Site Inspection

31st March 2026

Inspector

Frank O'Donnell

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1.0 Introduction

- 1.1.1. The subject appeal relates to an application for an extension to an existing ESB Networks 110 kV substation compound to provide a new 110 kV Gas Insulated Switchgear (GIS) building. The development also includes the provision of 5 no. 110 kV line cable interface masts. Permission is sought for a period of 10 years. A notification of decision to Grant permission was issued by the Local Authority in August 2025 subject to 18 no. conditions. The decision is the subject of 1 no. Third Party Appeal from an adjacent resident/ landowner.
- 1.1.2. The Applicant, Eirgrid PLC, under case ref. no. 315688-23, entered into Pre-Application Consultation with An Bord Pleanála (now An Coimisiún Pleanála) for Modifications and upgrade of the subject appeal site, Letterkenny 110 kV substation. In May 2023, the Board (now the Commission) decided that the proposed development, does not fall within the scope of Section 182A of the Planning and Development Act, 2000, as amended, is therefore not Strategic Infrastructure Development within the meaning of the Act and that the planning application should therefore be made to Donegal County Council in the first instance.
- 1.1.3. The site is not subject to any sensitive natural heritage designations. There is, however, a drainage ditch along the northern and western site boundary which flow into the Corranagh Burn, which is a tributary of the River Swilly, which in turn discharges into Lough Swilly. Lough Swilly SAC and Lough Swilly SPA are located 2.2 km and 2.6 km north-east of the proposed development respectively and the subject appeal site is hydrologically connected to same. A Natura Impact Statement (NIS) is submitted with the Application.
- 1.1.4. **Oral Hearing Request** – The Appellant, Geraldine Browne, sought an Oral Hearing. The Commission decided not to hold an Oral Hearing, as per Direction ref. CD-021090-25, dated 29th October 2025. The Commission decided, as recommended by the Inspector, that there was sufficient written evidence on file to enable an assessment of issues raised, and therefore that an Oral Hearing should not be held.
- 1.1.5. **Critical Infrastructure** – The Critical Infrastructure Act, 2026, which came into effect on 25th June 2026, allows the Government to designate certain infrastructure projects developed by or on behalf of the State as being of critical national importance. Designation as a Critical Infrastructure Project mandates all public

bodies to do everything within their powers to accelerate any decision making process associated with these projects. The subject proposal '*Letterkenny 110kV Redevelopment Project*', as per the Government announcement published on 24th July 2026, is classed as a Critical Infrastructure Project.

1.1.6. Since the subject Appeal, ref. no. ABP-323688-25 was received on 18th September 2025, 2 no. nearby cases have been received by An Coimisiún Pleanála namely:

- ACP-324272-26: Applicant: Donegal County Council. Proposed TEN-T Priority Route Improvement Project (Local Authority Road Development Application). The Application includes an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) and was lodged with An Coimisiún Pleanála on 7th May 2026. The site boundary of this project lies to the immediate north of the existing site entrance off the N13 and extends from Letterkenny to Lifford. The proposals include a new slip road to the north of the existing site entrance to the subject appeal site which will facilitate future vehicular access. The case is due to be decided by 12th November 2026.
- PL-501599-DL-26 (Donegal County Council Planning Reg. Ref. no. 2660548): Applicant: Renewable Energy Systems Limited. Permission for the construction of an electricity storage facility comprising of a battery energy storage system (BESS) and all associated site works. A Natura impact statement (NIS) accompanies this application. This site is located on the opposite side (east) of the N13 to the east of the subject appeal site. The case is due to be decided by 27th October 2026.

2.0 Site Location and Description

2.1. The subject appeal site is located in the rural townland of Listellian, c. 3.8 km to the southeast of the centre of Letterkenny. The site comprises the existing Letterkenny 110 kV Substation and adjacent lands to the southwest of same. The site has a stated site area of 9.3 hectares and comprises the existing substation lands and adjacent agricultural lands which include existing overhead power lines and various H Poles and Pylons. The existing substation site is estimated to measure c. 2.2 hectares in area. The subject appeal site abuts the rear of 1 no. dwelling and the

rear of 2 no. farm buildings to the east and there is 1 no. dwelling located to the immediate north of the substation. During the construction phase, the subject appeal site is proposed to be accessed via the L1054 to the south. There is also a separate existing vehicular access to the existing substation off the N13 National Primary Road. The existing substation site and the adjacent overhead lines and angle masts are industrial in character. The lands further to the north east on the opposite side of the N13 comprise an extensive Commercial Vehicle Test Centre, which is commercial in character. The remainder of the wider area comprises one-off rural housing, agricultural lands and some forestry. There are 3 no. existing drainage ditches of relevance to the subject appeal site. Drainage ditch no. 1 runs along the southern boundary of the existing substation site, and is proposed to be redirected. Drainage ditch no. 2 runs along the western site boundary and drainage ditch no. 3 runs along the majority of the southern site boundary.

- 2.2. As per Map 11.1 (Scenic Amenity) of the Donegal County Development Plan, 2024 to 2030, the subject appeal site is located within a High Scenic Amenity Area. On the same map, a view is shown to transect the centre of the existing substation from southeast to northwest and originates close to the centre of the adjacent Cul de Sac road to the south.
- 2.3. The extents of the proposed Letterkenny TEN-T Road Project are adjacent to the subject appeal site, to the north of the existing substation access off the N13, see Case Ref. no. ACP-324272-26. The proposals include a new slip road to the north of the existing site entrance to the subject appeal site which will facilitate future vehicular access.

3.0 Proposed Development

- 3.1. The Proposed Development comprises the following:
- Extension of existing ESB Networks 110 kV substation compound by c. 0.9 hectares, to the southwest of the existing compound to provide for a new Gas Insulated Switchgear (GIS) substation building.
 - Construction of said 110 kV Gas Insulated Switchgear (GIS) building measuring 82.5 metres in length by 18.5 metres in width by 18 metres in height (estimated proposed floor area of 1,615 sqm, including 2 no. stairwells

of c. 44.5 sqm each). The new GIS building is shown to have selected architectural wall cladding (Goosewing Grey Colour, subject to agreement) and is proposed to replace an existing Air Insulated Switchgear (AIS) substation located within the existing substation compound.

- Construction of 5 no. 110 kV Line Cable Interface Masts (LCIMS) to the south and southwest of the existing AIS substation compound and proposed replacement GIS building (proposed compound extension). The 5 no. LCIMS are proposed to comprise the end point of the existing overhead line circuits accessing the proposed GIS building. Each of the 5 no. LCIMS is shown to have a typical height of c. 21 metres and a typical overall width of c. 9 metres.
- Connection of existing transmission circuits to the proposed GIS building by way of underground cables from the new LCIMs.
- Decommissioning and removal of 7 no. existing 110 kV towers and 3 no. 110 kV H Poles, cabling, busbars, switchgears and support structures.
- Erection of 3 no. lightening masts within the proposed replacement GIS compound, each measuring 11 metres in height.
- Temporary widening (31 metres) of the existing (4 metre wide) field gate entrance off the L1054 to facilitate a temporary construction access track (204 metres in length). Permanent access to the development is proposed to continue as existing from the substation entrance off the N13.
- All associated and ancillary site works, including associated ground cabling and earthgrid, 5 no. car parking spaces, surface water drainage, underground wastewater storage tank, lighting, landscape and boundary treatment, site preparation, site clearance and levelling, provision of hardstanding, permanent internal access road (505 metres in length), 1 no. temporary construction compound and 1 no. temporary laydown area with 20 no. temporary car parking spaces and all ancillary works on an overall site area of 9.3 hectares.
- Planning permission is sought for a period of 10 years.
- A Natura Impact Statement (NIS) was submitted with the Application.

3.2. The Reports and Plans presented with the Application include the following:

- Planning and Environmental Considerations Report (PECR)
- Environmental Impact Assessment (EIA) Screening Report
- Appropriate Assessment Screening Report (AASR)
- Natura Impact Statement (NIS)
- Construction Environmental Management Plan (CEMP)
- Flood Risk Assessment (FRA)
- Landscape and Visual Impact Assessment (LVIA)
- Eco-Landscape Mitigation Plan
- Construction Traffic Management Plan (CTMP)
- Construction and Demolition Resource and Waste Management Plan (CDRWMP)

4.0 Planning Authority Decision

4.1. Decision

- 4.1.1. The Local Authority issued a Notification of Decision to GRANT planning permission on 28th August 202 subject to 18 no. relatively standard conditions. No Request for Further Information was sought by the Local Authority.
- 4.1.2. The following conditions are of note.
- 4.1.3. Condition no. 4 stipulated that there shall be no direct discharge of untreated surface water run-off during the construction phase into any watercourse hydrologically connected to Lough Swilly SPA/SAC.
- 4.1.4. Condition no. 5 a) relates to the implementation, in full of all mitigation measures detailed in the Natura Impact Statement, the Construction Environmental Management Plan and the Planning and Environmental Report, unless as otherwise agreed in writing with the Planning Authority. Condition no. 5 b) relates to a written report for said implementation within a 12 month period from the date of the final grant. Condition no. 5 c) relates to adherence to best practice measures for site preparation and construction works in accordance with the Inland Fisheries Ireland

Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites.

4.1.5. Condition no. 6 is concerned with Fire Safety issues and the requirements of the Chief Fire Officer.

4.1.6. Condition no. 7 is concerned with additional Fire Safety measures on site.

4.1.7. Condition no. 18 reads as follows:

18. Prior to commencement of the development, a Gas Management and Emergency Response Plan shall be submitted for the written agreement of the Planning Authority. The plan shall set out arrangements for the safe storage, handling, maintenance, leak detection/alarms, emergency isolation, staff training/certification, incident reporting and end-of-life recovery for any SF₆ used on site and shall demonstrate compliance with current and forthcoming EU F-Gas regulations. The approved plan shall be implemented for the lifetime of the development.

Reason: *In the interest of public safety, climate protection and environmental management.*

4.2. Planning Authority Reports

4.2.1. Planning Reports

- The **Local Authority Planner** considered that having regard to the location of the subject appeal site removed from any sensitive designations, to the nature and scale of the proposed development and to the policies contained in the current County Development Plan that, subject to compliance with 18 no. conditions, the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would not endanger public safety by reason of a traffic hazard and would therefore be in accordance with the proper planning and sustainable development of the area.

4.2.2. Other Technical Reports

- The local National Roads Office (NRO) is **Donegal NRO** who noted that while the proposed development is located within the TE+N-T corridor, the application itself does not affect the progression of any current national road or active travel projects managed by Donegal NRO. It is stated that the Applicant should be aware of the TEN-T Road Project which is close proximity and will affect the property in particular, access arrangements, a website link is provided. It is further stated that this application abuts to the N13 National Primary and that any application that directly impacts any element of the existing national road must demonstrate that any change proposed is compliant with TII Standards and documented acceptance as per TII DN-GEO-03030. No specific planning conditions to this effect were attached to the Notification of Decision to Grant permission issued by the Local Authority.
- The **Chief Fire Officer** raised no objection to the proposed development subject to 3 no. conditions, as follows:
 - Fire Safety Certificate to be obtained
 - Adequate Fire Safety Certificate to be obtained
 - Access and Facilities for Fire Service to comply with TGD-B 2006, Reprint edition 2020, Section B5

4.3. Prescribed Bodies

- **Transport Infrastructure Ireland (TII):**
 - *..The application is at variance with official policy in relation to the control of development on/ affecting National Roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reasons:*
 - *The application indicates inappropriate standards which are not in accordance with those set out in the DoECLG Spatial*

Planning and National Roads Guidelines for Planning Authorities (2012).

- *This application abuts to the N13 National Primary. Any application that directly impacts any element of the existing national road must demonstrate that any change proposed is compliant with TII Standards and documented acceptance as per TII DN-GEO-03030.*
- *The applicant should be aware of the TEN-T Road Project which is close and will affect the property in particular, access arrangements. The Authority recommends that the planning authority consult with the local Roads Design Office (RDO) in considering this application.'*

4.4. Third Party Observations

4.4.1. 2 no. Third Party observations were received by the Local Planning Authority, as follows:

- Liam & Geraldine Browne
- Geraldine Browne

4.4.2. Both Observations are from adjacent residents in opposition to the proposed development. Issues raised are similar to those referred to in the planning authority decision and as raised in the appeal.

5.0 Planning History

5.1.1. The following planning history relates to the subject appeal site:

- **ABP-315688-23:** Prospective Applicant: Eirgrid PLC. Pre-Application Consultation under Section 182E of the Planning and Development Act, 2000, as amended, in relation to the proposed modification and upgrade of the Letterkenny 110kV substation. As per the Direction dated 19th May 2023, An Bord Pleanála (now the Coimisiún Pleanála) decided that the proposed development, does not fall within the scope of Section 182A of the Planning

and Development Act, 2000, as amended, and that the planning application should be made to Donegal County Council in the first instance.

- **21/51761:** Applicant: ESB Telecoms Ltd. Permission for erection of an 18 meter high, freestanding communications structure and associated equipment. Permission was GRANTED on 21st October 2021 subject to 7 no. conditions.
- **20/51961:** Applicant: Lettergull Energy Supply Ltd. EXTENSION OF DURATION (EOD) of planning reg. ref. no. PI. Ref. 15/50968. An EOD was GRANTED on 11th February 2021 (Unconditional).
- **20/50844:** Applicant: ESB Telecoms Ltd. Permission for the erection of a 20 metre high, free standing telecommunications structure and associated equipment. Permission was GRANTED on 20/08/2020 subject to 7 no. conditions.
- **15/50968:** Applicant: Lettergull Energy Supply Ltd. Permission for the construction of a new electricity overhead powerline with associated poles and ancillary development, for a 38Kv Grid Connection to link the consented Lettergull windfarm. The powerline measures c. 10.16 km in length and all structures range from 12 to 19 metres in height. Permission was GRANTED on 18th February 2016 subject to 4 no. conditions. Condition no. 2 relates to the undergrounding of the 38kV line where it crosses/ transects the N14 National Primary Road. Condition no. 4 relates to archaeological monitoring and stipulates in part B that *'no development whatsoever shall take place within 20m of the standing stone in the townland of Ballyholey Far (i.e. Monument No. DG062-016). The standing stone shall be physically cordoned off in the event that works are proposed in the vicinity of this monument.'*
- **15/50731:** Applicant: ESB Telecoms LTD. Permission for continuance of the use of the existing 25m high, free standing mini birdcage type communication structure, carrying antennae and communication dishes, within an existing 2.4m high palisade fence compound previously granted temporary permission under planning ref: 10/40234. Permission was GRANTED in July 2015 subject to 3 no. conditions.

- **15/50249:** Applicant: Electricity Supply Board. Permission for Alterations to the existing Letterkenny 110 kV substation consisting of single storey extension to rear of existing control building, new single storey battery room to front, new 110kv transformer and associated line/transformer bay , new 110kv line bay, 2 no. new 110kv sectionaliser bays, new 38kv busbar extension , 3 no. new 38 kv line bays, new 38 kv sectionaliser, new cable sealing end, new lightning monopole 18 metres high, compound palisade fence to the south to be extended, new raised polishing filter and associated drainage and site works. Permission was GRANTED in April 2015 subject to 4 no. conditions.
- **10/40234:** Applicant: ESB Telecoms. Permission for the attachment of additional equipment to existing communications structure. Retention of 25 m high communications structure and associated equipment and antennae, within a 2.4 metre high palisade compound, previously permitted under planning reg. ref. no. 05/6123 and retention of equipment previously approved under planning reg. ref. no. 09/40010. Permission was GRANTED in September 2010 subject to 6 no. conditions.
- **PL05.VA0003:** Case Type: Electricity Development Application. Applicant: E.S.B. Networks and Eirgrid Plc. Proposed New 110kV line connecting Binbane 110kV station to Letterkenny 110 kV station, new switching station on proposed Binbane-Letterkenny line and new 110kv line from proposed switching station to new 110kv. The proposal was APPROVED in October 2009 subject to 6 no. conditions.
- **09/40010:** Applicant: Vodafone. Permission for erection of a 1.2m dish on an existing mast. Permission was GRANTED in April 2009 subject to 5 no. conditions.
- **05/6123:** Applicant: Electricity Supply Board Telecoms. Permission for a 24 metre high mast. Permission was GRANTED in July 2005 subject to 5 no. conditions.

5.1.2. Relevant Planning History on Adjacent and Nearby Lands

- **ACP-324272-26:** Applicant: Donegal County Council. Proposed TEN-T Priority Route Improvement Project (Local Authority Road Development

Application). The Application includes an Environmental Impact Assessment Report (EIAR) and a Natura Impact Statement (NIS) and was lodged with An Coimisiún Pleanála on 7th May 2026. The site boundary of this project lies to the immediate north of the existing site entrance off the N13 and extends from Letterkenny to Lifford. The proposals include a new slip road to the north of the existing site entrance to the subject appeal site which will facilitate future vehicular access. The case is due to be decided by 12th November 2026.

- **PL-501599-DL-26 (Donegal County Council Planning Reg. Ref. no. 2660548):** Applicant: Renewable Energy Systems Limited. Permission for the construction of an electricity storage facility comprising of a battery energy storage system (BESS) and all associated site works. A Natura impact statement (NIS) accompanies this application. This site is located on the opposite side (east) of the N13 to the east of the subject appeal site. The case is due to be decided by 27th October 2026.

6.0 Policy Context

6.1. EU and National Legislation/ Policy

6.1.1. EU and National policy documents are relevant in respect of the proposed development and include

- Europe 2030 Climate and Energy framework and Renewable Energy Directive 2009/28/EC & 2018/2001/EU.
- Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014
- Critical Infrastructure Act, 2026
- National Planning Framework, Project Ireland 2040
- National Planning Framework (First Revision, April 2025)
 - National Policy Objective 55: *To support, the progressive development of Ireland's offshore renewable energy potential, the sustainable development of enabling onshore and offshore infrastructure including*

domestic and international grid connectivity enhancements, non-grid transmission infrastructure, as well as port infrastructure for the marshalling and assembly of wind turbine components and for the operation and maintenance of offshore renewable energy projects.

- *National Policy Objective 61: In co-operation with relevant Departments in Northern Ireland, strengthen all-island energy infrastructure and interconnection capacity, including distribution and transmission networks to enhance security of electricity supply, and explore the potential for strategic cooperation on offshore wind energy development.*
- *National Policy Objective 71: Support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development.*
- *National Policy Objective 72: Support an all-island approach to the delivery of renewable electricity through interconnection of the transmission grid.*
- National Development Plan, 2021 to 2030
 - Chapter 13: Transition to a Climate-Neutral and Climate-Resilient Society

....

 - Strategic Investment Priorities – SOE Investment
 - *Completion of the National Smart Energy Metering programme commenced in 2019, with 2.25 million meters to be installed by end 2024 Significant expansion and strengthening of the electricity transmission and distribution grid onshore and offshore, including transmission cables and substations, to link renewable electricity generation to electricity consumers and to accommodate higher levels of renewables on the electricity system and reinforcement of the natural gas*

*network by our system operators EirGrid, ESB Networks
and Gas Networks Ireland*

- Climate Action and Low Carbon Development Act 2015, as amended
- Climate Action Plan, 2024
 - Sectoral emissions ceilings approved by Government in July 2022 require a 75% reduction in emissions from electricity by 2030, based on 2018 levels. Central to achieving this goal is an increase in the share of renewable electricity to 80%, largely from solar and wind. Key 'Electricity' targets include delivery of up to 5 GW of Solar by 2025 and 8 GW by 2030. Large-scale deployment of renewables will be critical to decarbonising the power sector, and enabling electrification of other technologies.
 - CAP24 details the significant changes required to enhance the electricity grid's capacity and flexibility, to accommodate the expected significant upsurge in renewable energy, while ensuring the system's reliability and efficiency.
- Climate Action Plan, 2025
 - CAP 2025 builds upon CAP 2024 by refining and updating the measures and actions required to deliver the carbon budgets and sectoral emissions ceilings, and it should be read in conjunction with CAP 2024. In chapter 3, it is noted that the response to the call for expert evidence referred to the importance of upgrading infrastructure, especially the electricity grid, to support the transition to clean energy. Consistent decreases in electricity generated emissions, including a 22% reduction from 2021 to 2023, is due to an increase in the share of renewable electricity generation. It noted that 7% of electricity generated in 2023 came from renewable sources other than wind, such as solar, hydro, and biomass. The electricity generation targets remain 5 GW of Solar by 2025 and 8 GW by 2030.
- Second National Adaptation Framework (NAF) 2024
- National Energy and Climate Plan 2021 – 2024 (NCEP) (July 2024)

- Energy Security in Ireland to 2030 – Energy Security Package (November 2023)
- National Biodiversity Action Plan, 2023 to 2030
- National Energy Security Framework (April 2022)
- Policy Statement on Security of Electricity Supply (November 2021)
- TII Publication - Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes, DN-GEO-03030, (April 2021)
- Regional Spatial and Economic Strategy for the Northern and Western Region, 2020 to 2032
- National Adaptation Framework, 2018
- Ireland's Grid Development Strategy 2017: Your Grid, Your Tomorrow
- National Mitigation Plan, 2017
- EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4) (2016)
- Ireland's Transition to a low carbon Energy Future 2015 – 2030
- Spatial Planning and National Road Guidelines for Planning Authorities, 2012
- Development Management, Guidelines for Planning Authorities, 2007

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

6.2. **Regional Planning Policy**

6.2.1. Regional Spatial and Economic Strategy for the Northern and Western Region, 2020 to 2032. (RSES)

6.2.2. Section 2.0 of the RSES relates to an overall **Strategic Vision** for the Region. In relation to Infrastructure, it is noted that risks around infrastructure constraints persist and could impede the Northern and Western Region's ability to attract labour and investment. A total of 5 no. Growth Ambitions are set out in the Section 2.0 of the Strategy and includes the following **Infrastructure Growth Ambition**:

- *Provision and maintenance of economic infrastructure, such as energy, water, and wastewater, are key to delivering compact growth and a connected, vibrant, inclusive, resilient and smart region.*

6.2.3. Section 8.2 relates to **Electricity Grid Network** and recognises the need for reinforcement of the grid in the northwest which is predicated on the level of renewable generation in both Donegal and its hinterland in western Northern Ireland. A stated urgent priority for the region is that

- *'the solutions, technology and timing of this work are currently being reviewed and is an urgent priority for the region to ensure it has sufficient capacity and resilience.'*

6.2.4. As per Figure 64 (**Electrical Transmission System**) Letterkenny is identified as a location to Uprate/ Modify Assets. It is noted that the delivery of the above projects, which includes Letterkenny 'will ensure that the population growth projections outlined elsewhere in the strategy will have sufficient electricity infrastructure to service them. It is further noted that such infrastructure improvements will also facilitate the incorporation of known renewable energy generated power into the transmission network. Table 11 of Section 8.2 provides a total of 8 no. Projects including the North West Project (study area) which relates to the Counties of Donegal, Leitrim and Sligo. A total of 4 no. Regional Policy Objectives are provided in Section 8.2 Electrical Grid Network and include the following:

- **RPO 8.1:** *The Assembly support the development of a safe, secure and reliable electricity network and the transition towards a low carbon economy centred on energy efficiency and the growth projects outlined and described in this strategy.*
- **RPO 8.2:** *Support the reinforcement and strengthening of the electricity transmission network with particular reference to the regionally important projects contained within Table 11.*

- **RPO 8.3:** *The Assembly support the necessary integration of the transmission network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner.*
- **RPO 8.4:** *That reinforcements and new electricity transmission infrastructure are put in place and their provision is supported, to ensure the energy needs of future population and economic expansion within designated growth areas and across the region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs. Ensure that development minimises impacts on designated areas.*

6.3. **Development Plan (Donegal County Development Plan, 2024 to 2030, including Variation no. 1 adopted on 27th July 2026)**

6.3.1. The Donegal County Development Plan, 2024 to 2030 was adopted by Resolution of Members on 16th May 2024 and came into effect on 26th June, 2024. Variation no. 1 to the Development Plan was adopted by the Elected Members on 27th July 2026 and came into effect on the same day, and included for increases in population targets, arising from the National Planning Framework. I have reviewed the Development Plan, as varied, and I have referenced below the Chapters, Sections and Objectives further below which I consider to be of relevance to the assessment of the proposed development.

6.3.2. **Chapter 7** relates to **Economic Development** and includes the following Sections, Objectives and Policies.

Section 7.4.5 relates to Delivering Key Strategic Infrastructure

- *As set out in the introduction to this chapter, investment in a range of key enabling infrastructure including roads, rail, rural broadband, gas, electricity, water and wastewater is essential in driving Donegal to meet its true potential. The deficits which exist are for the most part a 'long-held' trend where Donegal and the Northwest has generally lagged behind other regions of the State.*
- *The nature and extent of such investment (as detailed in the transportation, telecommunications, energy, water and environment sections of the plan)*

represents a clear call to action by Government, it's agencies and utilities operators to positively discriminate in favour of County Donegal and this region. As reinforced through the policy objectives of this plan Donegal County Council are committed to working with government departments and agencies to support the delivery of this critical infrastructure during the plan period and beyond.

Objectives

- **ED-O-20:** *To progress the delivery of key strategic enabling infrastructure including roads, rail, broadband, gas, electricity, water and wastewater as identified in this plan in close collaboration with government departments, agencies and utilities operators in order to align the Core Strategy and the economic development objectives of this plan with the development and roll out of their respective investment programmes.*

6.3.3. **Chapter 8** relates to **Infrastructure** and includes the following Sections, Objectives and Policies:

Section 8.5.1 Electricity Transmission Network

- *As noted in the RSES, the existing electricity transmission network in the region is predominantly lower capacity 110 kV with very little higher capacity of 220 kV and 400 kV transmission infrastructure. Donegal is only served by the lower capacity 110kV lines. The RSES makes the case for enhanced transmission capacity having regard to, inter alia: the surplus of regional supply versus demand; the likelihood of increased demand arising from economic growth and the need to service these growth sectors in order to secure their location in the region; and the potential for exporting excess supply. Donegal supports the broad approach of the Regional Assembly for the enhancement of the network etc. as referenced in RPO's 8.1, 8.2, 8.3 and 8.4. However, it is noted that there are no firm proposals at present to enhance the transmission capacity to Donegal, and that the only indication of any commitment to the County is to be found in the 'North-West Project (study area)' referenced in Table 11 in the RSES.*

Objectives

- ***ETN-O-1:*** *To secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.*

Policies

- ***ETN-P-1:*** *To secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.*

6.3.4. **Chapter 9** relates to **Natural Resource Development** and includes the following Objectives and Policies:

Objectives

- ***ETN-O-1:*** *To secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.*
- ***E-O-1:*** *To sustainably develop a diverse and secure renewable energy supply to meet demands and capitalize on the County's competitive locational advantage.*
- ***E-O-3:*** *To facilitate the strengthening of the electricity grid to a minimum rating of 220KV to enable the harnessing and distribution of energy.*

Policies

- ***E-P-1:*** *It is policy of the Council to facilitate the development of grid reinforcements including grid connections and transboundary energy network (electricity and gas) into and through the County, within the Region, and to support the development of cross border grid connections, subject to other objectives and policies of this Plan.*
- ***E-P-5:*** *It is a policy of the Council to seek to ensure that, where practicable, power lines be routed underground, having particular regard to the scenic amenity of the receiving landscape.*
- ***E-P-6:*** *It is a policy of the Council that when designing, planning and consenting for new electricity grid infrastructure, opportunities to use the existing roads and rail network for such development will be considered in*

accordance with any protocols developed between ESB/Eirgrid, TII, DECC/DOT and Local Authorities.

6.3.5. **Chapter 11** relates to **Natural, Built, and Archaeological Heritage** and includes the following Objectives and Policies:

Policies

- **BIO-P-1:** *To require all developments to comply with the requirements of the EU Habitats Directive and EU Bird Directive, including ensuring that development proposals:*
 - a. Do not adversely affect the integrity of any European/Natura 2000 site (i.e. Special Areas of Conservation and Special Protection Areas) including effects on ex-situ but functionally linked habitats, and species (e.g. Pearl Mussel) save where a plan must be carried out for imperative reasons of overriding public interest (IROPI).*
 - b. Provide for the protection of animal and plant species listed in Annex IV of the EU Habitats Directive and the Flora Protection Order.*
 - c. Protect and enhance features of the landscape (such as rivers, riverbanks, field boundaries, ponds and small woods) which are of major importance for wild fauna and flora and the ecological coherence of the Natura 2000 network.*
- **L-P-2:** *To protect areas identified as ‘High Scenic Amenity’ and ‘Moderate Scenic Amenity’ on Map 11.1 ‘Scenic Amenity’. Within these areas, only development of a nature, location and scale that integrates with, and reflects the character and amenity of the landscape may be considered, subject to compliance with other relevant policies of the Plan.*

6.3.6. **Chapter 16** relates to **Technical Standards** and includes the following Policy:

Policy

- **TS-P-1:** *To require compliance with the following technical standards, where applicable, in addition to all other relevant policy provisions of this Plan and relevant Governmental guidance and standards.*

6.4. Donegal County Council Climate Action Plan, 2024 to 2029

- 6.4.1. The Donegal County Council Climate Action Plan, 2024 to 2029 has a stated vision for the County *‘to be a Climate Resilient, Biodiversity Rich, Environmentally Sustainable and Carbon Neutral Donegal by no later than the end of 2050.’* The Climate Action Plan sets out how the Local Authority will be responsible for enhancing climate resilience, increasing energy efficiency, and reducing greenhouse gas emissions, across its own assets, services, and infrastructure, while also demonstrating a broader role of influencing, advocating, and facilitating other sectors to meet their own climate targets and ambitions. The Climate Action Plan is informed by Evidence Based Climate Action Planning (Section 2). Section 3 of the Plan relates to Climate Actions and includes 6 no. Strategic Goals and Objectives which include the Built Environment.
- 6.4.2. Built Environment Objective BE4, in particular, seeks to *‘support the delivery of renewable electricity generation and transmission infrastructure within the County’* which is proposed to be achieved via a total of 6 no. actions. Action BE 4.5 is to *‘Advocate for the ongoing expansion and improvements to the electricity grid infrastructure within the County to support renewable generation and supply.’* The lead Departments in this regard are stated to be Northwest Energy Agency and the ESB with the Local Authority having an advocate role.

6.5. Natural Heritage Designations

- 6.5.1. The site is not located within or adjacent to a Natura 2000 site. The nearest Natura 2000 sites are as follows:
- Lough Swilly SAC (Site Code 002287), c. 2.2 km to the north;
 - Lough Swilly SPA (Site Code 004075), c. 2.6 km to the north;

6.6. EIA Screening

- 6.6.1. Please see the Form 1 – EIA Pre-Screening attached as Appendix 1 of this Report where it has been determined that an EIA Screening Determination (Form 3) is required on the basis of Schedule 7A information provided by the Applicant in the EIA Screening Report.

6.6.2. Please see the EIA Screening Determination Form (Form 3) attached as Appendix 2 to this Report which provides the following Conclusion:

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed substation development, within and adjacent to an established substation site,
 - (b) the absence of any significant environmental sensitivity in the vicinity,
2. the results of other relevant assessments of the effects on the environment submitted by the applicant including
 - the Appropriate Assessment Screening Report (AASR);
 - the Natura Impact Statement (NIS) and findings of the Local Authority that having fully considered the NIS and having carried out an Appropriate Assessment, the Local Authority is satisfied that the project will not adversely affect the integrity of any European site, alone or in combination with other plans or projects;
 - the Appropriate Assessment (Natura Impact Report) of the Donegal County Development Plan, 2024 to 2030;
 - the Environmental Impact Assessment (EIA) Screening Report, the findings of the Local Authority that as per the EIA Screening Report the proposal does not exceed mandatory thresholds for EIA and that potential effects on population, human health, biodiversity, soil, water, air, climate, material assets, landscape and cultural heritage have been assessed and that no likely significant effects are identified that would warrant an Environmental Impact Assessment Report;
 - the Strategic Environmental Assessment (SEA) of the Donegal County Development Plan, 2024 to 2030.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified to be provided in the Preliminary Construction and Environmental Management Plan, the Flood Risk

Assessment, the Landscape and Visual Impact Assessment, the Eco-Landscape Mitigation Plan, the Construction Traffic Management Plan and the Construction and Demolition Resource and Waste Management Plan.

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

7.0 The Appeal

7.1. Grounds of Appeal

7.1.1. The proposed development is the subject of 1 no. Third Party Appeal from the following:

- Geraldine Browne, prepared by Planning and Environmental Consultants

7.1.2. The main Grounds of Appeal can be summarised as follows:

- Invalid Application
 - The Application included the Appellant's lands within the red line site boundary. Clarification in relation to this issue was only received by the Local Authority 2 weeks after the decision. The Applicants right to meaningfully participate in the process is contrary to the Aarhus Convention.
 - Written consent of the owner should have been provided. The Local Authority should not have validated the application on this basis.
 - The EIA Screening relied upon mitigation to scope out significant effects, contrary to established Irish and EU Case Law. The NIS failed to meet the legal standard of being complete, precise and definitive.
 - The Applicant states on the one hand that no new infrastructure would be placed on the Appellant's property, yet the published plans show pylons and towers adjacent to or crossing the Appellants property.

- Reliance on obsolete and polluting SF6 technology
 - Sulphur Hexafluoride (SF6) gas has a Global Warming Potential (GWP) approximately 22,200 times greater than CO2. The critical Environmental Assessment of SF6 has been deferred. Allowing new SF6 technology in 2025 contradicts binding EU law, undermines both Irelands Climate Action Plan 2025 and Donegal Climate Action Plan, 2024 to 2029. No robust alternative assessment is provided despite commercially available SF6 free technology being rolled out across Europe. The proposal is therefore both technologically outdated and environmentally deficient.
- Lack of consideration of reasonable alternatives such as relocation or refurbishment
 - The EIA Directive and the Habitats Directive, both require reasonable alternatives, including alternative technologies, layouts, or sites, be fully assessed and documented so that it is demonstrated that the chosen option has the least environmental impact. Viable alternative options include refurbishment of the existing AIS infrastructure with improved configuration, a hybrid or phased AIS/ GIS solution with reduced footprint and massing, relocation of the GIS to a less sensitive site comprising underground cable connections, redesign of substation to small buildings. More climate compatible solutions were not considered such as renewable energy generation.
- EIA Screening relied upon mitigation which is flawed
 - The Applicant's Environmental Impact Assessment Screening Report has relied upon mitigation measures set out in the Construction Traffic Management Plan, the Construction and Environmental Management Plan and the landscaping proposals to conclude that a full EIA is not required. This approach is fundamentally flawed as mitigation cannot be relied upon and the screening must consider the likely significant effects without mitigation.
 - The nature, scale and duration of the proposed development meets the threshold for significant effects.

- The Appellant considers the Applicants cited precedents when compared to the subject proposal represent an inconsistent approach.
- The Applicant has failed to account for the long-term vibration, noise and dust exposure arising as a result of the proposed extended construction period, cumulative impacts of the proposal together with other regional energy infrastructure and TEN-T road upgrades, health risks associated with prolonged disturbance and electromagnetic fields and the climate implications of SF6 use.
- Lack of Environmental and Technical Reports in relation to Noise, Vibration and Geotechnical Impacts
 - No detailed construction or operational Noise and Vibration Impact Assessments provided. No baseline provided. Considering the prolonged construction period of 10 year there is a risk to human health, amenity and farm enterprises. There is no geotechnical investigation which would determine the suitability of ground conditions to cater for the proposed development.
- Inadequate Appropriate Assessment (AA) and Natura Impact Statement (NIS)
 - The NIS conclusion that provided mitigation is implemented, the proposed development will not adversely affect the integrity of Lough Swilly SAC or SPA, is flawed and unsound. The prolonged construction activity proposed will create continuous disturbance pressures on sensitive bird species associated with Lough Swilly SPA particularly in terms of noise, dust, vibration, artificial lighting and heavy vehicle movements. The NIS includes no seasonal or species specific disturbance schedule and instead relies on generic CEMP measures. The Applicant has not therefore demonstrated beyond all reasonable scientific doubt that adverse effects will be avoided which is a requirement of the Habitats Directive.
 - Hydrological risks are similarly underassessed. The potential environmental risks associated with the haulage, deposition, or disposal of cut material is not assessed in the NIS. The NIS has instead relied upon generic non-binding mitigation.

- The ecological impact of the proposed 110 kV lines and towers is not addressed or assessed in the NIS or supporting information.
- Wider climate and biodiversity linkages have not been properly assessed in the NIS such as the use of SF6 technology.
- Flood Risk and Drainage Design
 - The Flood Risk Assessment (FRA) indicates the site is within Flood Zone C but also notes the presence of pluvial (surface water) flood risk, under climate change scenarios. The SUDs approach is inadequate for a project of this scale. The FRA does not clarify if additional imported fill material will be required which would present additional risks in terms of haulage, deposition and potential contamination which has not been assessed. The deference of critical design elements including the attenuation design, construction phase water management and long-term monitoring measures is not consistent with the precautionary principle or the Flood Risk Management Guidelines. In the absence of same there is a clear risk of localised flooding, contamination and uncontrolled runoff during the construction and operational phases. Flood water displacement has similarly not been considered.
- Landscape and Visual Impact Assessment (LVIA) in a High Scenic Amenity Area
 - The GIS building is an exceptionally bulky and large industrial structure which will dominate the skyline and alter the character of the area. The proposed landscaping mitigation will take a long time to establish and will never fully conceal the proposed structure. Masts will remain highly visible in the short to medium term, especially from nearby residential dwellings road uses along the N13. The site is within a High Scenic Amenity Area and a rural area under strong urban influence. The proposals represent a significant intensification and expansion of the existing site which is not consistent with its scenic designation.
 - The Assessment of LVIA by the Local Authority was inadequate. The Assessment did not appraise the proposal against Chapter 11 (Natural, Built and Archaeological Heritage) of the Donegal County Development

Plan, including L-O-1 (to protect, manage and conserve the character, quality and value of Donegal landscape), L-P-1 (to ensure development is of a nature, scale and design that is appropriate to the landscape context), and L-P-2 (to protect areas of High Scenic Amenity and only permit development that integrates with and reflects their character). The assessment was instead almost entirely against the Applicant's own submissions. A more robust and grounded assessment was required. The proposed new pylons and extension of existing lines serve to compound the bulk of the GIS building, fundamentally alter the rural character and undermine the High Scenic Amenity designation.

- Traffic Safety/ Contrary to National Road Policy
 - As per the submission from Transport Infrastructure Ireland (TII), the proposal is at variance with National Policy set out in the Spatial Planning and National Roads Guidelines for Planning Authorities, 2012. The Local Authority proceeded to Grant permission despite the concerns of TII.
 - The proposed temporary widened access from the Local Road is unsuitable to accommodate anticipated traffic movements over the anticipated duration of the project. Future upgrades to the N13 will directly affect access arrangements to the site. Future traffic safety on the local road is an issue and has not been addressed in the Local Authority Assessment.
 - The Assessment of the Local Authority Planner did not reference or appraise the proposal against Chapter 8 (Infrastructure) of the Donegal County Development Plan including T-O-10 (to safeguard the carrying capacity and safety of national roads in accordance with the Spatial Planning and National Roads Guidelines, 2012), T-P-12 (to ensure that new development provides safe and appropriate access without compromising road safety) and T-P-10 (to support and facilitate the development and improvement of the TEN-T network, subject to safety and environmental considerations).

- Prolonged Construction Duration and Amenity Impact
 - The duration could extend to 10 years during which time construction impacts upon the local community will be continuous. The proposed intensity of traffic movements (e.g. c. 900 HGV movements over a 2 month period during the early earthwork phase) is significant. Such prolonged disturbances impact the safety, health and amenity of nearby residents as well as impacting local farms, livestock and small businesses. Such impacts would disproportionately impact families already coping with defective MICA and pyrite-affected homes, thereby compounding the hardship felt. The Appellant is also concerned as to the devaluation of residential and agricultural property as a result of the proposed prolonged construction period.
 - The CEMP and CTMP are generic and vague, lack enforceable commitments regarding the timing of works, limits on working hours, restrictions on HGV movements during school peak times, or binding thresholds for dust and noise emissions. Instead, the documents rely on inadequate broad statements of intent.
 - From the Appellants perspective, such impacts extend well beyond temporary nuisance. The farm currently supports 15 ponies, and the Appellant has plans to expand into an equestrian enterprise. The family also maintain a vegetable and herb garden and intend to expand into organic farming with poly tunnels, a farm shop, beekeeping, and expanded horticulture. The encroachment of 110 kV lines and the dominance of the substation serve to sterilise tracts of farmland, displace these future business opportunities, and undermines the viability of the family's livelihood and way of life.
- Lack of Consent to include Appellants Land
 - The Application as lodged with the Local Authority included lands in the ownership of the Appellant and her husband. This was done without consultation and without the landowners' written consent.
 - The overhead lines encroach into the Appellants folio even where the pylons are shown outside the red line. The inclusion of the Appellants

land would have directly served her farm, undermining grazing patterns, disrupting day-to-day management, and jeopardising eligibility for agricultural support schemes which depend on intact and accessible land parcels. There is no assessment by the Applicant in relation to the socio-economic impact of the proposed development upon the applicants' family farm. The operation of the Appellants sons horse arena would be impacted by construction activity and heavy traffic. Other parts of the farm support beekeeping, small-scale horticulture, and amenity uses that contribute to the family's livelihood and wellbeing. The proposed development will impact on same.

- The Appellant refers to a letter received from the Applicant in September 2025. The Appellant states that said letter referred to folio DL811 and that it was included within the redline boundary solely because of existing overhead lines and poles and that no new infrastructure is now proposed on the Appellants land. The Appellant submits that while said clarification is noted it confirms that the subject folio was indeed included within the application boundary without her consent. This indicates a serious lack of transparency and fairness and underscores that the application should not have been validated.
- Lack of meaningful public engagement contrary to Aarhus Convention
 - Aside from the statutory minimum in the form of public notices, the Applicant has not engaged in any meaningful or proactive public engagement. The Appellants concerns are consistent with the requirements of the Aarhus Convention which guarantees public rights to environmental information, participation and access to justice. The approach taken falls short of both the spirit and the letter of those commitments.
 - The decision of the Local Authority to Grant permission has left directly affected landowners and residents without confidence that their concerns have been properly considered. It is also of relevance that the Applicant's Community Liaison Officer has only now, in September 2025, proposed the creation of a community benefit fund for Listillion.

This was not discussed during the application stages, nor during public consultation, and is being offered only after concerns were raised. Such reactive measures, offered only after permission was granted, cannot remedy the statutory failings of inadequate consultation not substitute for timely disclosure during the application process.

- Misplaced reliance on precedent cases relating to very different contexts
 - The Applicant refers to other GIS Substations permitted elsewhere in the Country. The examples referenced are not relevant to the circumstances and location of the subject case.

7.2. Applicant Response

7.2.1. The Applicant submitted a Response to the Third Party Appeal, the main points of which can be summarised as follows:

- Validity of the Application. The Application was deemed valid by the Local Authority. No development is proposed on lands in the ownership of the Appellant. The Application is accompanied by a Letter of Consent from ESB Networks.
- Inadequate Assessment of SF6 Greenhouse Gas Use. The proposed development, as per current international practice is based on SF6 technology. The Appellant is concerned in relation to small leakages over the operation lifetime of the substation yet acknowledges the proposed substation has been future proofed for operation by 'SF6-free alternatives'. Section 1.3 of the submitted Planning and Environmental Considerations Report (PECR) is transparent and notes that the design of the proposed GIS could potentially use SF6 as the insulation between circuits. Such equipment and gas would be securely enclosed within modern and high-quality internal ducting. The proposed GIS substation has been designed to ensure that it can accommodate the potential increase in size required to operate SF6 free GIS equipment which will become a requirement under new EU regulations in 2030, should it be relevant to the Proposed Development. The Applicant submits there is no possibility of the proposed substation operating as a SF6 facility over the lifetime of the substation as this would be in direct

contravention of governing European legislation. As the proposed development has been designed to be adaptable to accommodate SF6 free equipment it is misleading of the appellant to suggest the Commission, in granting permission would effectively be permitting SF6 infrastructure in 2025. The design can accommodate both alternatives and therefore it is incorrect of the Appellant to suggest no alternatives have been considered by the Applicant. There is no omission in the Local Authority Assessment of the issue of SF6 as alleged by the Appellant.

- Lack of Alternatives Assessment. The Applicant submits the project is not an EIA project. The Habitats Directive does not require an examination of alternatives. The proposal represents the optimum solution from the Applicants' perspective and will serve to ensure the long-term security and reliability of electricity supply in the area.
- Flawed EIA Screening. The Commission is referred to the EIA Screening Report which did not, as alleged by the Appellant, conclude an EIA was not required on the basis of mitigation measures to offset or reduce potential impacts. The Applicant submits that the EIA Screening has had careful regard to the provisions of Schedules 5 and 7 of the Planning and Development Regulations, 2001, as amended, where, following a precautionary approach it was concluded that the proposed development was subthreshold and that an EIA was not required. The Applicant refers to the conclusion of the Planning Authority in relation to the sub-threshold nature of the proposal in terms of a requirement for an EIA. It is unclear which part of the legislation the Applicant is referring to make the assertion that mitigation cannot be relied upon in terms of EIA Screening. EIA Screening occurs in reference to the types of development set out in Schedule 5 of the 2001 Regulations. The Appellants reference to 2 no. precedent cases for a wind farm and water treatment plant is unclear as the Applicant does not understand what precedent is being referred to.
- Lack of Technical and Environmental Assessment Reports. No EIAR is required as demonstrated in the EIA Screening Report. The proposals are therefore not inconsistent with the EIA Directive. Section 4.3.5 of the PECR

appraises the issues of Noise and Vibration. Section 2.3 of the PECR relates to the Construction Phase of the Proposed Development and includes the proposed Construction Methodology. Section 4.3.8 of the PERC relates to Soils, Geology and Hydrology. There is also a separate Flood Risk Assessment. The Applicant is satisfied that, having regard to the established baseline, the proposed development site is appropriate from a geotechnical perspective and that there is no deficiency in the Environmental and Technical assessments undertaken.

- Inadequate Appropriate Assessment/ NIS. The Applicant submits that the submitted NIS is scientifically robust and that the mitigation measures proposed adequately address the concerns of the Appellant in relation to the construction related impacts of the proposal. As the proposed development is site specific and as the majority of the 10 year duration sought will facilitate the transfer of cables on site between the existing AIS substation to the proposed new GIS substation, the concerns of the Appellant are unfounded. The Local Authority as the Competent Authority considered the AA/NIS to be acceptable and determined that the project will not adversely affect the integrity of an European Site, alone or in combination with other plans or projects. The NIS is focused on the potential and predicted impact of the proposed development upon Lough Swilly SAC/ SPA, see also the Biodiversity Section (4.3.1) of the PECR. The proposals include enhanced habitat measures in the form of new hedgerow and tree planting. The Applicant considers the assessment of ecology to be comprehensive and supported by proactive measures.
- Unresolved Flood Risk and Drainage. The submitted Flood Risk Assessment (FRA) is comprehensive and in line with best practice. The proposed Drainage System is appropriate for both the existing and proposed site. The Local Authority note the site lies outside Flood Zones A and B, that the proposals accord with the Flood Risk Management Guidelines and that surface water will be appropriately managed by way of attenuation and petrol interceptors, discharging to watercourses with pollution prevention measures. Protection of water quality downstream in Lough Swilly is ensured. The Applicant invites the Commission to attach a condition in the event of a Grant

of permission being issued whereby final drainage arrangements are to be agreed.

- Landscape and Visual Impacts in a High Scenic Amenity Area. The impact of the proposed development is objectively assessed in Section 4.3.2 of the Landscape and Visual Impact Assessment (LVIA). The proposals do not interfere with any scenic view and have been intentionally situated adjacent to an established substation and electrical infrastructure, in order to avoid public views. The proposals also maximise the distance to the nearest residential property. The only overhead structures proposed are the LCIM's along the existing circuit alignments which facilitate the removal of existing service lines into the AIS substation. The Local Authority is satisfied that the proposed development is acceptable from a Landscape and Visual Impact Assessment perspective.
- Conflict with TII/ National Road Policy. Although TII state the proposed development is 'at variance' to National Roads Guidelines, this does not mean there is a clear objection to the proposed development as asserted by the Appellant. TII has not appealed the decision.

The proposed development does not propose a new additional direct access to the N13. The Applicant is fully aware of the planned upgrade of the N13 as per the wider TEN-T project and, in this regard, the project has been discussed at some length with the Roads Department. There is currently no final permitted alignment or geometric design for the upgraded road project relative to the substation. There is no question of any conflict with the TEN-T scheme, nor the prematurity of the substation, nor any contravention of the Development Plan. This is supported by the assessment of the Local Authority in this regard, see paragraph 9.9 of the Local Authority Planners Assessment Report.

The local road is not busy, there are available sightlines and this proposed access has been assessed by experts, see the Traffic and Transportation Assessment and the Construction Traffic Management Plan (CTMP).

Condition no. 17 of the Notification of Decision to Grant permission issued by the Local Authority relates to the submission of a Construction Traffic

Management Plan. The Applicant would welcome the same condition or similar. There is no likely and significant adverse traffic impact to arise as a result of the proposed development.

- Construction Duration and Amenity Impacts. The main construction period will be 24 months. The transfer of circuits within the existing substation are, in general, small scale works. The Applicant has provided a CEMP which represents best practice. Condition no. 3 of the Notification of Decision to Grant permission ensures the Applicant/ Developer will abide by the CEMP. The Applicant would welcome a similar condition. The Appellant is concerned in relation to impact of the proposed development upon current and future farm and horticultural activities, the potential sterilisation of large tracks of their land and the resultant impact this would have on their livelihood. No infrastructure is proposed on the Appellants land or garden. Any existing horticultural or equestrian activities occur in the context of the existing substation and long-established electrical transmission infrastructure operation at this location. The Appellant raises no concern in relation to the current impact of the existing developments on her land or garden.
- Unauthorised inclusion of Third Party Land and Impacts on Farming Operations. No development, as proposed under the subject application and appeal, occurs on the Applicant's landholding.
- Inadequate Public Participation. There has been regular and proactive work by the Applicants' Community and Land Liaison teams in the area of the proposed substation site. Local Landowners and residents have been called to and visited during the course of the proposed development. This includes the Appellant. The Planning Application process and associated public consultation has not been questioned by any other member of the community. The Applicant finds it difficult to understand how the Appellant concludes their concerns have not been addressed. The Appellant has been afforded an opportunity to make their views known. This, the Applicant submits, fulfils the requirements under the Aarhus Convention.
- Misplaced Reliance on Precedent. The Appellant suggests the context of the cited precedent cases are not applicable to the subject case as they are in

setting where large scale electrical infrastructure is already in place. The subject appeal site shares such characteristics. The Applicant refers to 6 no. approved GIS substations located in rural areas.

7.3. Planning Authority Response

7.3.1. The Local Authority submitted a Response (received on 14/10/2025) to the issues raised in the Third Party Appeal, the main points of which can be summarised as follows:

- *The content of the Planning Appeal Statement is noted.*
- *The Planning Authority consider that all material planning matters raised in the appeal have previously been addressed in the Planner's Report dated 25/08/2025 which has already been forwarded to the Commission. The Council wishes to rely on the content of same in response to this appeal.*
- *Having regard to the foregoing, the Planning Authority respectfully requests that An Coimisiún Pleanála will uphold the decision of the Planning Authority in this case.*

7.3.2. A further separate Response was received from the Local Authority on 19th November 2026 where it is stated that the content of the planning appeal observation/ submission submitted by EirGrid PLC have been noted and that in this instance, the Planning Authority has no further comment to make.

7.4. Observations

- None

7.5. Further Responses

7.5.1. 2 no. Further Responses were received from the Third Party Appellant. The main issues raised in the Responses can be summarised as follows:

- **Appellants Lands:** The Appellant owns 2 no. folios (reference numbers provided) which adjoin the application site and are partially located within the

defined redline boundary. The lands were included without the owners written consent or knowledge contrary to the planning regulations.

- **Application Validity and Landownership:** The Application is invalid and does not comply with Article 22 (2) (g) of the Planning Regulations as no written consent has been presented from the landowner. The Appellant refers to Case Law (2 no. cases) and states these confirm that the inclusion of third party lands invalidates the permission.
- **SF6 Gas and Climate Compliance:** The authorisation of new SF6 based equipment cannot be considered to be consistent with (EU) 2024/573 and is inconsistent with both EU and national policy objectives. The burden rests with the developer to demonstrate there is no safer alternative to the use of SF6 gas. The Applicant has not undertaken any quantitative assessment of the greenhouse gas emissions likely to be generated which contravenes the EIA Directive 2014/52/EU and the Climate Action and Low Carbon Development (Amendment) Act 2021.
- **Consideration of Alternatives:** The lack of an assessment of alternatives is in breach of the precautionary principle under Article 191(2) TFEU and the transparency obligations of the Aarhus Convention, which require that decisions likely to affect the environment are based on reasoned and publicly accessible evaluations.
- **EIA Screening and Threshold Assessment:** The Applicants' EIA screening conclusion/ determination is flawed as it relied on mitigation measures to exclude potential significant effects. This is contrary to the binding O'Grianna & Others v. An Bord Pleanála [2014] IEHC6 32, where it was held that mitigation cannot be considered at the screening stage. This approach is also inconsistent with the EIA Directive (2014/52/EU).
- **Noise, Vibration and Construction Impacts:** No baseline noise measurements, predictive modelling or receptor-specific analysis is provided by the Applicant. The Applicant has failed to meet the requirements of the EPA Guidance Note for Noise Assessment of Industrial Sites (NG4) as no tonal analysis for transformer components and vibration assessment for nearby dwellings and livestock has been provided. The reliance on generic

mitigation and standard conditions is insufficient in the absence of empirical evidence demonstrating compliance with acceptable thresholds. There is no cumulative noise assessment.

- **Appropriate Assessment and NIS:** The conclusion of the Applicants NIS is unsound and is contrary to established European Law. It relies on generic mitigation measures without supporting hydrological or ecological modelling to demonstrate their effectiveness. No quantitative assessment was provided of pollutant transport or of potential disturbance to qualifying bird species using the Lough Swilly complex. Mitigation cannot be used to determine that significant effects are unlikely, and Appropriate Assessment conclusions must be founded on complete, precise, and definitive findings capable of removing all reasonable scientific doubt, see CJEU Case C-258/11 (Sweetman) and C-323/17 (People Over Wind). The submitted NIS does not meet this standard. The NIS does not include species-specific or seasonal survey data for the qualifying bird species that depend on the Lough Swilly complex. As such empirical information is absent it is considered that the assessment cannot exclude significant effects with the scientific certainty required under Sweetman and People Over Wind.
- **Flood Risk and Drainage Management:** The Flood Risk Assessment is conceptual and includes no site specific or downstream drainage information.
- **Landscape and Visual Impact:** The subject appeal site is located in an Area of High Scenic Amenity. The sensitivity of the landscape and its limited capacity to accommodate further industrial scale development is recognised in the development plan. The design of the proposed GIS building is not compatible with the open rural landscape setting. The character of the landscape has already been altered to such a degree by the existing substation and related transmission infrastructure that it has arguably exceeded, its assimilative capacity. The submitted LVIA does not address the cumulative visual effects of existing and proposed infrastructure and has inadequately addressed public viewpoints.

- **Traffic and Road Safety:** The Applicants' assessment does not take account of abnormal load movements and underestimates anticipated construction traffic volumes. The submitted Traffic and Transportation Assessment (TTA) does not include a comprehensive Construction Traffic Management Plan (CTMP), nor does it address the cumulative traffic generated by the multi-stage construction phases of the development. The minor road (L-1054) which will provide access to the site is structurally weak and narrow and is not suited to heavy vehicle movements or abnormal load transport. When the current TEN-T road project at the front of the Appellants' Property is also taken into consideration, the cumulative traffic and safety impacts are significant.
- **Amenity, Duration and Phasing:** The Applicant fails to address the fundamental concerns of the Appellant regarding prolonged environmental and residential disturbance notwithstanding the Applicant's clarification that the proposed 10 year permission "will not equate to 10 years of heavy construction".
- **Procedural Fairness and Public Participation:** The applicant does not satisfy the standard of the early and effective participation required by Article 6 of the Aarhus Convention as there has been a reliance on general newspaper notices and public file availability. Article 6 obliges competent authorities to ensure that the public concerned is suitably informed and able to participate.
- **Planning File Integrity:** The planning file has been inconsistent and incomplete, as displayed on the public portal.
- **Selective Consultation and Liaison Conduct:** The engagement of the Applicant with landowners has been selective and in some cases misleading.
- **Documentation and Mapping Deficiencies:** The submitted technical documentation is inconsistent. Several drawings omit key environmental features such as local receptors (schools, farms, and dwellings) and the nearby Lough Swilly SAC/SPA. Multiple assessments including traffic, visual and hydrological analysis, are unreliable.

- **Regulatory Oversight:** The matter of procedural irregularities, missing documentation and potential misrepresentation of environmental information should be referred to the Office of the Planning Regulator (OPR) for independent review.
- **Lack of Transparency:** The submitted plans and maps do not provide sufficient information to allow for a full assessment of the proposed development. Drawings have been cropped or reduced, and some drawing are missing or have been altered. The submitted LVIA is incomplete and inconsistent. The Appellant was not consulted in relation to the inclusion of her lands and no consent was provided. The proposed development will encroach onto the Appellants property and will interfere with the day to day running of the Appellants farm. Information has been withheld as to the extent and nature of land take, easements and trenching. Landowners have been treated unequally. It is unclear if lands are to be acquired under CPO.

8.0 **Assessment**

8.1. **Introduction**

8.1.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal and the reports of the planning authority and having inspected the site, and having regard to relevant local/ regional and national policies and guidance, I consider the main issues in this appeal are as follows:

- Principle and Compliance with Policy
- Justification for Proposed Design and Layout/ Examination of Alternatives
- Mitigation Measures and EIA Screening
- National Road Policy/ Traffic Safety
- Flood Risk and Drainage
- Landscape and Visual Impact
- Sulphur Hexafluoride (SF6)
- Construction Duration and Amenity Impacts

- Technical Reports
- Adequacy of the Appropriate Assessment (AA) and Natura Impact Statement (NIS)
- Public Consultation
- Legal Interest/ Validity of Planning Application/Accuracy of Drawings and Photomontages
- Other Matters
 - *Fire Safety*
 - *Precedent Cases*
 - *Devaluation in Property*
 - *CPO/ Land Take/ Incorporation of Easements*

8.2. Principle and Compliance with Policy

- *Principle and Policy Compliance*

- 8.2.1. The proposed development 'Letterkenny 110 kV Redevelopment Project' is one of a total of 9 no. projects across the Country announced by the Government on 26th July 2026 as being of Critical National Importance under the Critical Infrastructure Act, 2026. The principle of electricity transmission infrastructure at the location of the subject appeal site is firmly established. The project is for an extension to an existing substation to provide a replacement GIS building and is not a greenfield site.
- 8.2.2. The National Development Plan, 2021 to 2030 supports Strategic Investment Priorities in State Owned Enterprises including significant expansion and strengthening of the electricity transmission and distribution grid onshore and offshore, including transmission cables and substations.
- 8.2.3. The National Planning Framework supports domestic and international grid connectivity enhancements (National Policy Objective 55), the strengthening of all-island energy infrastructure and interconnection capacity, including distribution and transmission networks (National Policy Objective 61) and the development and upgrading of the national electricity grid infrastructure (National Policy Objective 71).

- 8.2.4. Climate Action Plan, 2025 which builds upon Climate Action Plan, 2024, recognises the importance of upgrading infrastructure, especially the electricity grid, to support the transition to clean energy.
- 8.2.5. The Regional Spatial and Economic Strategy for the Northern and Western Region, 2020 to 2032 supports the development of a safe, secure and reliable electricity network (RPO 8.1), the reinforcement and strengthening of the electricity transmission network with particular reference to the regionally important projects contained within Table 11 (including the North West Project (Study Area) (RPO 8.2), the necessary integration of the transmission network requirements to allow linkages with renewable energy proposals at all levels to the electricity transmission grid in a sustainable and timely manner (RPO 8.3) and recommends that reinforcements and new electricity transmission infrastructure are put in place and their provision is supported, to ensure the energy needs of future population and economic expansion within designated growth areas and across the region can be delivered in a sustainable and timely manner and that capacity is available at local and regional scale to meet future needs and ensures that development minimises impacts on designated areas (RPO 8.4).
- 8.2.6. As per the Donegal County Development Plan, 2024 to 2030, it is the policy of the Council to facilitate the development of grid reinforcements including grid connections and transboundary energy network (electricity and gas) into and through the County, within the Region, and to support the development of cross border grid connections, subject to other objectives and policies of this Plan (Policy E-P-1) and a Strategic Objective (EN-O-1) to secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.
- 8.2.7. The proposed development, as presented, will enable the further integration of renewable energy in line with Government policy targets and is a key enabler in creating electricity demand opportunities and ensuring security of supply to County Donegal.
- 8.2.8. In terms of local planning policy, the Donegal County Development Plan, 2024 to 2030, is the relevant policy document pertaining to the subject appeal site and the proposed development. Chapter 7 of the Development Plan relates to Economic

Development where, in Section 7.4.5, it is stated that ‘..investment in a range of key enabling infrastructure including roads, rail, rural broadband, gas, electricity, water and wastewater is essential in driving Donegal to meet its true potential.’ Chapter 8 relates to Infrastructure and includes the following Objective and Policy:

- **ETN-O-1:** *To secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.*
- **ETN-P-1:** *To secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.*

8.2.9. Chapter 9 of the Development Plan relates to Natural Resource Development and includes the following Objectives and Policy:

- **ETN-O-1:** *To secure the strengthening of the electricity grid to include the provision of 220kv transmission networks to enable the harnessing and distribution of energy.*
- **E-O-1:** *To sustainably develop a diverse and secure renewable energy supply to meet demands and capitalize on the County’s competitive locational advantage.*
- **E-O-3:** *To facilitate the strengthening of the electricity grid to a minimum rating of 220KV to enable the harnessing and distribution of energy.*
- **E-P-1:** *It is policy of the Council to facilitate the development of grid reinforcements including grid connections and transboundary energy network (electricity and gas) into and through the County, within the Region, and to support the development of cross border grid connections, subject to other objectives and policies of this Plan.*

8.2.10. I am satisfied that the proposed development generally accords with the above Objectives and Policies as it proposes to replace the existing Air Insulated Substation (AIS) with a new Gas Insulated Substation (GIS) substation, will replace some key infrastructure (particularly the existing 110 kV (kilovolt) busbar rating which is nearing the end of its life) and allows for the potential significant increase in renewable energy generation in County Donegal. The proposals also serve to

address risks to security of supply and will be a key enabler in creating enhanced electricity demand opportunities in the County.

8.2.11. Chapter 16 of the Development Plan relates to Technical Standards and includes development standards and criteria to be considered in the development management process in relation to, for example, Traffic and Transport and standards for Industrial and Commercial Development. The Application is accompanied by a Preliminary Construction Traffic Management (CTMP) and I am therefore satisfied that the Applicant has had due regard to the relevant provisions of the Technical Standards set out in Chapter 16 which relate almost entirely to Traffic and Roads related Technical Standards. Further assessment of the proposed development is included under the following sections of this assessment.

8.2.12. In addition to the above, I refer the Commission to the Donegal County Council Climate Action Plan, 2024 to 2029, which sets out how Donegal County Council will be responsible for enhancing climate resilience, increasing energy efficiency, and reducing greenhouse gas emissions, across its own assets, services, and infrastructure, while also demonstrating a broader role of influencing, advocating, and facilitating other sectors to meet their own climate targets and ambitions. The said plan includes 6 no. strategic goals, which include the Built Environment. Built Environment Objective BE4, in particular, seeks to *'support the delivery of renewable electricity generation and transmission infrastructure within the County'* which is proposed to be achieved via a total of 6 no. actions. Action BE 4.5 is to *'Advocate for the ongoing expansion and improvements to the electricity grid infrastructure within the County to support renewable generation and supply.'* The lead Departments in this regard are stated to be North West Energy Agency and the ESB with the Local Authority having an advocate role.

8.2.13. Having regard to the foregoing, I am satisfied that the principle of the proposed development at this location is acceptable subject to normal planning and environmental considerations.

8.3. Justification for Proposed Design and Layout/ Examination of Alternatives

- *Proposed Design and Layout*

8.3.1. The Appellant considers the proposed Design and Layout has not been justified by the Applicant as alternatives such as refurbishment of the existing AIS infrastructure

with improved configuration, a hybrid or phased AIS/ GIS solution with reduced footprint and massing, relocation of the GIS to a less sensitive site comprising underground cable connections or redesign of substation to smaller buildings have not been examined.

- 8.3.2. In response, the Applicant submits they are satisfied that the nature, extent, location and layout of the proposed development, represents the optimum solution for the long-term security and reliability of electricity supply in this area. The Applicant further submits that the proposal provides a modern high-quality building within which the switchgear is to be housed, that this will be on a smaller footprint to that currently and that the building itself is sited further away from existing dwellings in proximity to the substation. In addition, the Applicant submits there is an opportunity, as proposed, to underground circuits which would result in the removal of existing overhead lines infrastructure in the area. Finally, the Applicant submits that the proposed development and the provision of the new building, when compared to the existing extensive open air and more visually instructive existing substation and associated overhead line infrastructure, serves as an appropriate visual response. The Applicant separately submits that the siting of the proposed replacement GIS substation building has been chosen due to the perceived environment and that the existing topography of the site, which slopes upwards towards the south and its location within a densely treelined area of gently rolling farmland, provides visual screening.
- 8.3.3. Having regard to the nature of the proposed development, the configuration of the overall site and existing substation, I am satisfied that the Proposed Design and Layout is acceptable in this instance.

- *Examination of Alternatives*

- 8.3.4. Regarding the Assessment of Alternatives, the Applicant submits there is no requirement for such an assessment under the EIA Directive for non-EIA projects. As set out above in Section 6.6 EIA Screening, the proposed development is not considered to be an EIA project and an Environment Impact Assessment is not required. There is no requirement for an Examination of Alternatives in the case of a non EIA project.

- 8.3.5. There is similarly no requirement under the Habitats Directive for an Appropriate Assessment to identify alternatives.
- 8.3.6. While I acknowledge the third party submission, including the contention that alternative layouts and configurations of the existing substation site, a hybrid or phased AIS/ GIS solution with reduced footprint and massing or the relocation of the GIS building to a less sensitive site should have been considered by the Applicant, I am satisfied that the need for the proposed development has been clearly established. I am further satisfied there is no requirement for the Applicant to present an Examination of Alternatives and that therefore the proposed Design and Layout, as presented, adjacent to established substation and associated electrical infrastructure, is acceptable in principle.

8.4. Mitigation Measures and EIA Screening

- 8.4.1. The Appellant considers that as the Applicants' EIA Screening Report has relied upon mitigation measures set out in the Construction Traffic Management Plan (CTMP), the Construction and Environmental Management Plan (CEMP) and landscaping proposals to conclude that a full EIA is not required. The Appellant considers this approach to be flawed as mitigation cannot be relied upon and the screening must consider the likely significant effects without mitigation. The Appellant further considers that the nature, scale and duration of the proposed development meets the threshold for significant effects.
- 8.4.2. I note the Applicants appeal response. The Applicant considers the Appellant to be mistaken in relation to the issue of mitigation measures and EIA Screening. Reference is made to the previously submitted EIA Screening Report and that the EIA Screening which did not, according to the Applicant, conclude an EIA was not required on the basis of mitigation measures to offset or reduce potential impacts. The Applicant also refers to the conclusion of the Local Authority in relation to the sub-threshold nature of the proposed development in terms of EIA.
- 8.4.3. I refer to Section 6.6 of this Report above which deals with EIA Screening and concludes that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required. This conclusion is informed, in part, by the Applicants EIA Screening Report and the decision of the Local Authority.

8.4.4. I note the mitigation measures referenced by the Applicant in Section 5.2.1 of the EIA Screening Report which include, inter alia,

- *The inclusion of a Natura Impact Statement (NIS) with the planning application addressing the requirements of the EU Habitats Directive;*
and
- *The mitigation measures proposed in the PECR, CEMP and Eco-Landscape Mitigation Plan.*

8.4.5. In my opinion, the above quoted mitigation measures fall within Schedule 7, subsection 3 h) of the Planning and Development Regulations, 2001 to 2026, which relates to the types and characteristics of potential impacts and to *‘the possibility of effectively reducing the impact’*. This, in my opinion, includes and allows for mitigation measures, such as those referenced by the Applicant. The use of said mitigation measures can therefore, in my opinion, be utilised as part of EIA Screening.

8.4.6. Section 4.3.10 of the Applicants Planning and Environmental Considerations Report (PECR) deals with Cumulative Impacts and Environmental Interactions. The Applicant has considered the cumulative impact of the proposed development with the adjacent proposed TEN-T project (Priority Route Improvement Project (Local Authority Road Development Application, Case Ref. no. ACP-324272-26: Applicant: Donegal County Council) and an application which has been granted for an extension to the overhead power line to link the Lettergull wind farm to the Letterkenny substation, ref. no. 2051961.

8.4.7. In the case of the TEN-T Project, the Applicant does not anticipate there will be potential for cumulative impacts, as the majority of construction activities associated with the subject Proposed Development are due to take place between Q1 2026 and Q1 2028 and the construction for the TEN-T Project is projected to commence in 2028 or after depending on when the application is submitted and approved. As noted, the said application, case ref. no. ACP-324272-26 is currently before the Commission. As we are now in Q3 of 2026, I would anticipate there is potential for the construction works on both projects to coincide however this is not a given. The Applicant has nonetheless appraised the potential cumulative impacts which could

occur in such a scenario which include Traffic and Transport, Air Quality, Noise and Vibration, Population and Human Health, Biodiversity and Water.

- 8.4.8. In the case of planning reg. ref. no. 2051961 – extension to the overhead powerline to link Lettergull wind farm to the Letterkenny substation, the Applicant considers the impacts would be primarily limited to traffic disturbance and disruption, however these are not expected to be long term or significant.
- 8.4.9. The Applicant concludes that the anticipated inter-relationships between the proposed development and the above referenced projects, which include various environmental factors, have been assessed in the Planning and Environmental Considerations Report (PECR), including various Reports attached as appendices, and that with the implementation of recommended mitigation measures, such effects are not considered to be significant.
- 8.4.10. Having regard to the foregoing, I am satisfied that mitigation measures can be used as part of EIA Screening and that the Applicant has suitably addressed and appraised the potential cumulative environmental impacts of the proposed development with other relevant proposals in the area.

8.5. National Road Policy/ Traffic Safety

- 8.5.1. I note the Appellants' concerns that as per the issues raised in the submission from Transport Infrastructure Ireland (TII), the proposal is at variance with National Policy as set out in the Spatial Planning and National Road Guidelines for Planning Authorities, 2012. The Appellant submits that as per said guidelines, proposals which compromise the safety, capacity and function of national roads, such as the N13, should not be permitted. The Appellant is concerned that future upgrades to the N13 will directly affect access arrangements to the site and that it is inappropriate to grant permission for a 10 year duration where future national road improvements may be compromised and where access is unresolved. In addition, the Appellant raises concerns in relation to the suitability of the Local Road (L-1054) to cater for the anticipated construction traffic movements over the lifetime of the project and associated traffic safety issues arising. The Appellant is also concerned that the proposed development did not appraise the proposal against Chapter 8 (Infrastructure) of the Development Plan, including Objective T-O-10 (*to safeguard the carrying capacity and safety of national roads in accordance with the Spatial*

Planning and National Roads Guidelines, 2012), Policies T-P-12 (to ensure that new development provides safe and appropriate access without compromising road safety) and T-P-10 (to support and facilitate the development and improvement of the TEN-T network, subject to safety and environmental considerations).

- *National Road Policy - Spatial Planning and National Road Guidelines for Planning Authorities, 2012 and TII Publication - Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes, DN-GEO-03030, (April 2021)*

8.5.2. I note the submission from Transport Infrastructure Ireland (TII) and to the concerns raised therein. In response to this matter, the Applicant notes that the Application has not been appealed by TII and that the reference in their submission to the project being 'at variance' to National Roads Guidelines, does not constitute a clear objection to the proposals as asserted by the Appellant. The Applicant notes there is no new access proposed onto the N13 and that the existing long established vehicular entrance onto the N13 is not proposed to be utilised as part of the proposed development works. In reference to the TEN-T project and its implications for the subject appeal site, the Applicant refers to previous lengthy discussions held with the Roads Department and notes there is no current final permitted alignment or geometric design for the upgraded road project relative to the substation. The Applicant submits that any new future access arrangements are likely to comprise a new slip road access as opposed to the current direct access arrangement. The Applicant submits therefore that there is no question of any conflict with the TEN-T scheme, nor the prematurity of the substation, nor any contravention of the Development Plan.

8.5.3. I note the report from the National Road Design Office (NRO) to the Local Authority where it is acknowledged that although the Application is within the TEN-T corridor, it does not affect the progression of any current national road or active travel projects managed by Donegal NRO. The NRO provide a link to the DCC Project Website for the TEN-T and note that any application that directly impacts any element of the existing national road must demonstrate that any change proposed is compliant with TII Standards and documented acceptance as per TII DN-GEO-03030.

8.5.4. I am satisfied that the concerns of Transport Infrastructure Ireland (TII) in relation to the direct impact of the proposed development upon the N13 have been suitably addressed as no aspect of the proposal involves a direct new access. In addition, any increase in traffic movements during the operational stage to and from the existing site via the entrance on the N13 is not likely to be significant. I am also satisfied that the Applicant has suitably demonstrated, as per Section 4.3.6 of the Planning and Environmental Considerations Report (PECR) which relates to Traffic and Transport, that the subject proposal, in particular the anticipated construction traffic volumes, can be readily accommodated via the existing junction no. 2 (L-1054 and N13) and that this said junction has ample capacity to cater for the subject proposal without the need for any upgrade works. In this regard, it is therefore my opinion that the guidance provided in both the Spatial Planning and National Road Guidelines for Planning Authorities, 2012 and TII Publication - Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes, DN-GEO-03030, (April 2021), are not directly applicable to the subject proposal as no changes are proposed to the N13.

- *Suitability of L-1054 to cater for anticipated increased traffic volumes over the 10 year lifetime of the permission*

8.5.5. I note the Applicants proposal to provide a temporary access to the subject appeal site from the L-1054 during the construction phase of the proposed development. The Applicant anticipates that the overall main construction period will last a total of approximately 24 months. The Application is accompanied by a Construction Traffic Management Plan (CTMP). The Applicant, via the Appointed Contractor, proposes to carry out pre and post condition surveys on all roads on which works are to be carried out. I take this to include the L-1054. The Applicant states that following the works the roads will be reinstated to their original condition or better. Road sweeping is also proposed where necessary. All staff car parking is proposed off the public road within a dedicated compound. I also note the Applicant's Traffic and Transport Assessment presented under Section 4.3.6 of the Planning and Environmental Considerations Report (PECR). I am satisfied that the L-1054 is of sufficient width, alignment and configuration to cater for the anticipated traffic movements to and from the subject appeal site over its proposed 10 year lifetime. I note Condition no. 17 of the Local Authority Notification of Decision to Grant permission stipulates that

‘all works shall adhere to the Construction Traffic Management Plan received by the Planning Authority on 7th July 2025.’ Subject to the attachment of a similar condition in the event of a Grant of permission being issued, I would have no concerns in relation to the suitability of the L-1054 to cater for the anticipated increased traffic volumes over the proposed 10 year lifetime.

- *Chapter 8 (Infrastructure) and Objective T-O-10 and Policies T-P-12 and Policy T-P-10 of the Donegal County Development Plan, 2024 to 2028*

- 8.5.6. I note the concerns of the Appellant that the Local Authority has not considered the proposed development in accordance with the provisions of Chapter 8 (Infrastructure) of the Development Plan and Objective T-O-10 and Policies T-P-12 and T-P-10. In my opinion, the proposed development, as presented, fully complies with the provisions of Objective T-O-10 which is concerned with safeguard the carrying capacity and safety of national roads in accordance with the Spatial Planning and National Roads Guidelines, 2012.
- 8.5.7. The anticipated traffic volumes of the proposed development do not present any significant impact upon the capacity of the Junction no. 2 (L1054 and N13) and there are no associated improvement works or alterations proposed to the N13. The proposed development similarly does not impact upon the existing TEN-T project.
- 8.5.8. I am therefore satisfied that the proposed development, as presented, does not conflict with the provisions of Objective T-O-10, Policy T-P-10 and Policy T-P-12 of the Development Plan. I incidentally note Policy T-P-12 is the subject of a Draft Ministerial Direction.
- 8.5.9. In conclusion, it is my opinion that the proposed development, as presented, and having regard to its strategic nature, is acceptable from a Traffic and Transportation perspective. In the event of a Grant of permission being issued a specific condition relating to the implementation of the Construction Traffic Management Plan (CTMP), akin to Condition no. 17 of the Notification of Decision to Grant Permission should be included.

8.6. Flood Risk and Drainage

- 8.6.1. I note the concerns of the Appellant in relation to the issues of Flood Risk and Drainage.

- *Flood Risk*

8.6.2. The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Consulting Engineers which found no identified risk of Fluvial, Coastal, Estuarine or Groundwater flooding to the proposed development. The remaining potential sources of flooding i.e. Pluvial, Artificial Drainage System and Climate Change, are addressed in the Stage 2 Initial Flood Risk Assessment presented in Section 5 of the FRA. Section 6.7 of the FRA provides a summary of potential flood risk impacts on surrounding areas, as a result of the development. The Applicant submits that although there is an increased risk of Pluvial Flooding, as a result of climate change, the proposed introduction of SuDs measures will serve to ensure no change to existing run-off rates. The Applicant concludes that the FRA demonstrates that there is an overall low risk of flooding to and arising as a result of the proposed development and that therefore a Stage 3 Detailed Flood Risk Assessment, including site specific hydraulic modelling is not required.

8.6.3. While I note the Appellants concerns in relation to a risk of localised flooding, this must be balanced against the findings of the Applicants FRA where the overall flood risk is confirmed to be low. On this basis, the Applicant has not progressed to a full site specific hydraulic model to assess the overall flood risk, which, in my opinion, is the correct approach. A full flood risk assessment including a hydraulic model would typically include surrounding lands. In my opinion, as the flood risk has been demonstrated to be low, as it has been demonstrated that a Stage 3 Detailed Flood Risk Assessment is not required, as there are no known historic flood events in the area and as the Appellant has not suitably demonstrated that the proposed development, including potential stockpiling of material or introduction of fill material will present an increased risk of flooding to surrounding lands, I am satisfied that the proposed development, as presented, is acceptable from a flood risk perspective.

- *Surface Water Management*

8.6.4. The Applicant submits that the SuDs measures are inadequately sized for a project of this scale. I note Section 2.3.6 of the PECR relates to Drainage. The drainage system has been designed to convey the run-off created by the impermeable areas associated with the proposed new GIS substation building and the proposed new permanent internal access road.

- 8.6.5. It is proposed to provide an attenuation tank for the GIS Building roof run-off. The attenuation tank is proposed to have a depth of 1 metre and a footprint of 170 sqm. A flow control device is proposed to be installed which will ensure the permissible outflow rate is limited to 2l/s. The attenuation tank is not designed to cater for all surface water run off on the overall site and is instead focused on the GIS Building roof run off. The proposed drainage arrangements are shown on Drainage Strategy Drawing no. 321084AKJAC-ZZ-XX-DR-D-0015. Owing to the stated purpose of the proposed attenuation tank, I would not have any concerns in relation to its adequacy in terms of capacity.
- 8.6.6. The proposed permanent new access road is surrounded by crushed stone and a drainage ditch which is proposed to be redirected. The Applicant submits both these measures will provide additional attenuation with the crush stone providing treatment at source. The Applicant submits there is no new oil filled equipment being installed at the site as per the proposed works and that therefore no modifications to the oily water systems (e.g. oil interceptors) are proposed. This arrangement is acceptable in my opinion.
- 8.6.7. I note the Applicant proposes to revisit the attenuation strategy and amend as required during detailed design. While this is noted, the submitted attenuation strategy is acceptable in my opinion. Notwithstanding, in the event of a Grant of permission being issued, a prior to commencement condition should be attached whereby final drainage and attenuation proposals be agreed in writing with the Planning Authority.

8.7. Landscape and Visual Impact

- 8.7.1. I note the concerns of the Appellant in relation to the Landscape and Visual Impact of the proposed development. The subject appeal site is located within a High Scenic Amenity Area as per Map 11.1 (Scenic Amenity) of the Donegal County Development Plan, 2024 to 2030. On the same map, a view is shown to transect the centre of the existing substation site from southeast to northwest. This view is shown to originate to the north of the junction of the N13 with the L1064. There is no text or written description of said view provided in the development plan. This existing view across the proposed development site substation site shows a fenced open undeveloped gap site/ field in the foreground, mature hedging and trees in the

middle ground and a series of pylons, poles and overhead electricity lines in the background. This view, in my opinion, is of little scenic quality.

- *Landscape and Visual Impact*

- 8.7.2. VP4 of the Applicants Landscape and Visual Impact Assessment (LVIA) relates to the abovementioned view. The Applicants' assessment considered the Pre-Mitigation Significance/ Quality of the VP4 to be Slight-Imperceptible/ Negative and the Post Mitigation Significance/ Quality to be Imperceptible/ Neutral. I note the Applicant has described said existing view (Table 1.5) in the LVIA as representing local community views and road users on a major transport route and notes the presence of existing towers and pole sets associated with the existing Letterkenny Substation as being identifiable on the Skyline. The Applicant further considers the combination of land form and vegetation, and buildings make this an enclosed view apart from a channelled view afforded along the road corridor towards the hills in the background. I further note the Applicant considers this existing Viewpoint, VP4, to be of Medium to Low Sensitivity. I note the Applicants' Pre and Post Visual Impact Descriptions and both the anticipated Slight-Imperceptible / Negative Pre-Mitigation Significance/ Quality and the Imperceptible / Neutral Post-Mitigation Significance / Quality.
- 8.7.3. In my opinion, the submitted 4 no. Photomontages for VP4 provide an accurate representation as to the existing established baseline and predicted future view at this location both with and without mitigation. I note the Applicants' Pre-Mitigation Visual Impact Description of VP4 where it is noted that most of the Proposed Development will be screened from view by a combination of landforms, vegetation and buildings, that the uppermost portions of a few proposed towers will be visible in the middle distance and that the top of one corner of the proposed GIS building will be visible between two of the proposed towers in the middle distance. The Applicant submits that the full scale of the GIS building will not be apparent in this view, and that as the proposed towers are located adjacent to pole sets of a similar height, the visual presence of the proposed development is sub-dominant-minimal. The Applicant further submits that the visual complexity at this location is compounded by the vehicle movement on the national road which will help to visually absorb the Proposed Development and that therefore it would not unduly detract from the

overall visual amenity at this location and that for this reason the magnitude of impact is Low-Negligible.

8.7.4. In my opinion the Applicant has correctly assessed the existing Viewpoint for VP4 to be of Medium to Low Sensitivity, that the Pre and Post Mitigation Visual Impact Descriptions are accurate and that the Pre and Post Mitigation Significance/Qualities are similarly accurate and correct. In summary therefore and notwithstanding the location of the subject appeal site within a High Scenic Amenity Area and the presence of an identified view which transects the centre of the existing substation site from southeast to northwest, it is my opinion that the proposed development, as presented, and as demonstrated by the Applicant, will without mitigation present a Slight Imperceptible/ Negative Visual Impact and that with Mitigation the significance/ quality of said Visual Impact (VP4) will be reduced to Imperceptible/ Neutral. This is acceptable in my opinion.

8.7.5. I note the Applicant, in addition to VP4, has appraised a further 4 no. Viewpoints namely VP1, VP2, VP3 and VP5. I agree with the Assessment of the Applicant that the magnitude of the impact for VP1 and VP2, would remain Low- Negligible. I further agree with the Assessment of the Applicant that the magnitude of the impact for VP3 would be Medium-Low and that the residual impact would be Low. In reaching this conclusion in relation to VP3, I have had regard to the established nature and character of this viewpoint, which includes a backdrop of hills in the distance, forestry, some hedging, overhead powerlines, poles and towers, the existing substation compound, the existing AIS building, an established industrial scale building to the east, significant established agricultural buildings and the significant distance between said viewpoint and the proposed GIS Building. I agree with the Assessment of the Applicant that the magnitude of the impact for VP5 would remain Low-Negligible.

- *High Scenic Amenity Area (HSA)*

8.7.6. As per Chapter 11 (Natural Built and Architectural Heritage) of the Donegal County Development Plan, 2024 to 2030, High Scenic Amenity Areas (HSA) are described as follows:

‘These are landscapes of significant aesthetic, cultural, heritage and environmental quality that are unique to their locality and form a fundamental

element of the landscape and identity of County Donegal. These areas have the capacity to absorb sensitively located development of scale, design and use that will enable assimilation into the receiving landscape and which does not detract from the quality of the landscape, subject to compliance with all other objectives and policies of the plan.'

8.7.7. Having regard to the above description, it is my opinion that the proposed development, as presented, is such that it can be sensitively absorbed into the existing landscape, is of an acceptable scale, design and use and does not serve to detract from the overall quality of the landscape. The proposed development, therefore, in my opinion, represents an acceptable form of development within the subject High Scenic Amenity Area. In reaching this conclusion, I have also had regard to Policy L-P-2 of the same Chapter 11 as quoted further above in Section 6.0 of this Report.

- *Cumulative Landscape and Visual Impact Assessment*

8.7.8. In relation to the cumulative visual impact of the proposed development, the Applicant submits that the proposed development will not give rise to any significant cumulative impacts as the additions will be a very minor and unambiguous aspect of the predominantly rural views afforded by surrounding receptors and there are no other permitted developments identified within the study area that will result in material cumulative impacts in conjunction with the proposed development. This, in my opinion, is a reasonable conclusion in relation to the Cumulative Landscape and Visual Impact Assessment of the proposed development.

- *Conclusion for Landscape and Visual Impact*

8.7.9. In conclusion, I am satisfied that the Applicant has suitably demonstrated that the proposed development, as proposed, would not give rise to any significant landscape, visual or cumulative impacts.

8.8. Sulphur Hexafluoride (SF6)

8.8.1. I note the concerns of the Appellant in relation to the proposed use of SF6 technology within the proposed Gas Insulated Switchgear (GIS) substation. Sulphur Hexafluoride (SF6) is used as the insulation between circuits and requires the electrical equipment to be contained internally in buildings above ground which, the

Applicants states, allows for a significantly smaller substation footprint. SF6 is recognised as a potent greenhouse gas, and its use is being gradually phased out under EU Legislation. In this regard, both the Appellant and indeed the Applicant refer to Regulation (EU) 2024/573 which, in summary, will phase out the use of fluorinated gases (F-gases) and other substances that contribute to global warming and ozone layer depletion.

- *Regulation (EU) 2024/573 (Fluorinated Greenhouse Gases)*

8.8.2. Article 13 (9) of the said Regulations is of relevance to the subject proposal and states that *'the putting into operation of the following electrical switchgear using, or whose functioning relies upon, fluorinated greenhouse gases in insulating or breaking medium shall be prohibited as follows:*

- a) from 1 January 2026, medium voltage electrical switchgear for primary and secondary distribution up to and including 24 kV*
- b) from 1 January 2030, medium voltage electrical switchgear for primary and secondary distribution from more than 24 kV up to and including 52 kV;*
- c) from 1 January 2028, high voltage electrical switchgear from 52 kV up to and including 145 kV and up to and including 50 kA short circuit current, with a global warming potential of 1 or more;*
- d) from 1 January 2032, high voltage electrical switchgear of more than 145 kV or more than 50 kA short circuit current, with a global warming potential of 1 or more.*

8.8.3. As the proposed development includes 110 kV Gas Insulated Switchgear (GIS) which includes SF6, the relevant consideration from the above extract is Article 13 (9) c) and the relevant date is 1 January 2028. In other words, as and from 1 January 2028, the putting into operation of the SF6 switchgear technology proposed, will be prohibited.

8.8.4. Having regard to the foregoing and noting the nature of the proposed development. it is my opinion that the design approach of the Applicant is correct in this instance as it both allows for SF6 technology, which is an accepted industry standard and has yet to be phased out under Article 13 9) of Regulation (EU) 2024/573, and has also been designed to accommodate SF6 free GIS equipment, which is anticipated to

become a requirement after 2030. The Applicant has effectively future proofed the proposed development to allow for relevant current and future technologies. Final details as to the type and SF6 free GIS equipment to be used can be agreed with the Planning Authority by way of a suitably worded prior to commencement condition in the event of a Grant of permission being issued.

- *Climate Action Plan*

8.8.5. The Appellant considers that even minor emissions of SF6 can significantly effect Ireland's ability to meet its national carbon budgets and that therefore the proposed development conflicts with the Climate Action Plan, 2024 to 2029, which includes a commitment to the elimination of fluorinated gases from new transmission infrastructure.

8.8.6. I note Section 19.3 of the Climate Action Plan, 2025, includes reference to 'Other Emissions' which includes F-gases (or fluorinated gases) and refers to their use in high voltage switchgear. Section 19.3.5 relates to 2025 and 2030 Key Performance Indicators (KPIs) and notes that Climate Action Plan 2024 outlines the 2025 and 2030 KPI's to deliver abatement in 'Other Emissions' under Chapter 20. I note Chapter 20 (The Circular Economy and Other Emissions) of the Climate Action Plan, 2024, and, in particular, Section 20.3 'Other (F-gases, Waste and Petroleum Refinement)'. Section 20.3.1 of the Climate Action Plan, 2024, also relates to F-Gases but makes no specific reference to their use in Gas Insulating Switchgear.

8.8.7. It is my opinion that the proposed development, as presented, is consistent with Regulation (EU) 2024/573, particularly Article 13 9), and will allow for the gradual phasing out SF6 technology. It is noted that despite its anticipated future phasing out, the use of SF6 gas is still a relevant and accepted industry norm in high voltage electrical switchgear. It is anticipated that the use of SF6 free GIS equipment will become a requirement under new EU regulations in 2030, should this be relevant to the Proposed Development. I am unaware of any current express prohibition on the use of SF6 technology in high voltage switchgear and as the proposed development is considered to accord with Regulation (EU) 2024/573, it is my opinion that its use, as presented in the subject proposal, would be consistent with the Climate Action Plan, 2025.

- *Environmental Assessment of Sulphur Hexafluoride (SF6)*

- 8.8.8. The Appellant considers the Applicants' design approach, in proposing both SF6 and SF6 free technology, amounts to a deferral of critical environmental assessment of SF6 technology, that operational impacts must be assessed and mitigated for at the consent stage and that this should not be left to an unspecified future retrofit.
- 8.8.9. I note the Applicants' Appeal Response where reference is made to the concerns of the Appellant regarding the use of SF6 technology which, it is stated, are based upon the potential impact of '*small leakages over the operational lifetime of the substation*'. The Applicant refers to the potential use of SF6 technology as the insulation between circuits, with such equipment and gas securely enclosed within modern and high-quality internal ducting.
- 8.8.10. In my opinion, and in the absence of any information to the contrary presented by the Appellant, I do not consider potential emissions of SF6 gases to the atmosphere to be significant. In my view, in the event of a grant of permission being issued, an appropriate prior to commencement condition should be attached which is specific to the use of SF6 technology during the operational phase of the development. I note Condition no. 18 of the Local Authority Notification of Decision to Grant Permission relates to a Gas Management Plan and Emergency Response Plan which includes the safe storage, handling, maintenance, leak detection/alarms, emergency isolation, staff training/certification, incident reporting and end-of-life recovery for any SF6 used on site and demonstration of compliance with current and forthcoming EU F-Gas regulations. The approved plan should be implemented for the lifetime of the development.

- *Conclusion re Sulphur hexafluoride (SF6)*

- 8.8.11. The design approach of the Applicant has been to future proof the proposed GIS Substation to cater for both SF6 technology and SF6 free technology. As and from 1 January 2028, the putting into operation of the SF6 switchgear technology proposed, is due to be prohibited as per Article 13 (9) of Regulation (EU) 2024/573 (Fluorinated Greenhouse Gases).
- 8.8.12. In this regard, it is my opinion that the proposed development, as presented, is compliant with the provisions of said Regulations. Furthermore, the proposed development, as presented, would be consistent with the relevant provisions of the Climate Action Plan, 2025, which relate to the phasing out of SF6 technology. The

potential emissions of SF6 gases to the atmosphere are not considered to be significant and, in the event of a grant of permission being issued, can, in my opinion, be successfully managed by way of an appropriate and bespoke prior to commencement Gas Management planning condition.

8.9. Construction Duration and Amenity Impacts

- 8.9.1. I note the concerns of the Appellant in relation the anticipated 10 year duration of the construction phase of the development. The Appellant considers the development will be prolonged and highly disruptive and will present continuous impacts upon the local community. The Appellant anticipates that such prolonged disturbances will serve to impact upon the safety, health and amenity of nearby residents as well as impacting local farms, livestock and small businesses. The Appellant further considers the submitted Construction and Environmental Management Plan (CEMP) to be inadequate. The Appellant raises further concerns in relation to the impact of the proposed development upon on her farm, which currently supports 15 ponies and which it is intended to expand into an equestrian enterprise, the impact upon the family vegetable and herb garden and intention to expand into organic farming. The encroachment of 110 kV lines as well as the dominance of the substation, in the opinion of the Applicant, serves to sterilise tracts of farmland, displace the aforementioned business opportunities and undermines the viability of the family's livelihood and way of life.
- 8.9.2. I note the Applicants Response to the above concerns. The main construction period will last c. 24 months and will not extend to 10 years. Small scale works such as the transfer of circuits, will take place outside the main construction period. In my opinion, the main construction period will not be prolonged. Anticipated construction impacts are dealt with in the Applicants Construction and Environmental Management Plan (CEMP), which I consider to have been prepared in accordance with best practice guidance and recommendations and is sufficiently robust and detailed for the type and scale of development proposed. In the event of a Grant of permission being issued, a standard CEMP condition should be attached whereby the final details of the CEMP should be agreed in advance with the Planning Authority. This is normal practice for a development of this type and scale.

- 8.9.3. While I note the Appellants current farm practices, which are stated to include 15 no. ponies, I also note the relationship of the proposed development to the Applicants' landholding, particularly the proposed GIS substation building and site which, when complete, will be positioned behind screen planting. I also note the separation distances proposed to be observed between the said new GIS building site and the Appellants property, the location of the Appellants existing farm buildings and the Applicants proposals to decommission and remove 7 no. existing 110 kV towers and 3 no. 110 kV H Poles, cabling, busbars, switchgears and support structures and proposals to construct 5 no. 110 kV Line cable Interface Masts (LCIMs) and to connect existing transmission circuits to the proposed GIS building by way of underground cables. In my opinion, the proposed works are acceptable, are consistent with the predominant established use of the subject appeal site and are compatible with existing surrounding farm practices.
- 8.9.4. While I note the Appellants stated intention to expand of the existing farm enterprises into a future equestrian and/ or horticultural business, this does not appear to have taken place to date. Without having full information as to the Appellants stated future intentions, it is not possible to determine whether or not the proposed development would present any discernible impacts upon such ventures. At the time of writing this report the Appellants lands are understood to be in predominantly agricultural use.
- 8.9.5. In summary, I am satisfied that the proposed development, as presented, is compatible with existing surrounding farm practices and that subject to the attachment of an appropriate CEMP condition and the full implementation of all screen planting, will not serve to impact negatively upon established surrounding amenities.

8.10. Technical Reports

- 8.10.1. The Appellant is concerned that the proposed development, as presented, is lacking certain Technical Reports including no detailed Construction or Operational Noise and Vibration Impact Assessments. The Appellant considers no baseline has been provided and that considering the prolonged construction period of 10 year there is a risk to human health, amenity and farm enterprises. In addition, the Appellant submits that there is no geotechnical investigation which would determine the suitability of ground conditions to cater for the proposed development.

- *Noise and Vibration*

- 8.10.2. The Application is accompanied by a Planning and Environmental Considerations Report (PECR) which includes additional Reports provided as Appendices. Section 4.3.5 of the PECR relates to Noise and Vibration. The Applicant has not provided a baseline noise survey and considers such to be unnecessary as the location of sensitive receptors is sufficiently distant from the Proposed Development and as anticipate future noise levels will be similar to the existing AIS substation infrastructure. The Applicant further submits there is potential for a slight noise reduction due to the proposed removal of busbars and switchgear and the proposed replacement of said infrastructure within the proposed new GIS building.
- 8.10.3. In relation to the existing baseline environment in the vicinity of the subject appeal site, the Applicant notes this is dominated by traffic noise on the N13, with noise levels ranging from 60dB to 64dB and that this reduces to between 55dB to 59dB within 50 to 100 metres and to between 50dB to 54dB within 100 to 300 metres of the road edge. The Applicant further notes that the area does not meet the NG4 spatial definition for a 'quiet area', as per the EPA Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities (NG4), 2016. The Applicant accepts there is already potential for a low frequency humming emanating from the existing substation from equipment such as transformers, quadrature boosters and mechanically switched capacitors.
- 8.10.4. During the Construction Phase, the Applicant anticipates there are potential noise and vibration impacts from construction plant associated with various construction activities and vehicles. The Applicant considers significant vibration to be unlikely owing to the separation distances to be observed between the nearest sensitive receptors and the proposed construction works. In order to control noise and vibration impacts during the construction phase, the Applicant submits the construction activities will comply with the recommendations of British Standard Institute (BSI) BS 5228-1: 2009+A1: 2014 Code of practice for noise and vibration control on construction and open sites - Noise (BSI 2009) and also proposes a series of standard control measures. The Applicant anticipates that no Operational Phase noise impacts will arise as the new equipment will be housed within the proposed new GIS building and there are no new transformers or noise emitting infrastructure proposed and the replacement GIS substation will have a lower operation noise level

than the existing AIS substation. The Applicant further submits that following the implementation of mitigation measures, no significant residual impacts arise as a result of the Construction Phase of the Proposed Development and that similarly there is no potential for residual impacts as a result of the Operational Phase of the Proposed Development.

8.10.5. I note condition no's 14 and 15 of the Notification of Decision to Grant permission relate to the Control of Noise during the Construction and Operational Phase of the proposed development. In the event of a Grant of Permission being issued and subject to the attachment of a similar condition or conditions, I would be satisfied that the proposed development is acceptable in terms of the anticipated noise and vibration impacts arising.

- *Geotechnical investigations*

8.10.6. I note the Appellants concern that the Applicant has not carried out a geotechnical investigation which would determine the suitability of the ground conditions to cater for the proposed development. In response, the Applicant refers to Section 2.3 of the Planning and Environmental Considerations Report (PECR) which deals with Construction Impacts and to Section 4.3.8 of the PECR which relates to Soils, Geology and Hydrology. The Applicant submits they are satisfied, having regard to the established baseline, that the proposed development site is appropriate from a geotechnical perspective.

8.10.7. I note the referenced Sections of the PECR. Site investigations form part of the first phase of Construction. The proposed GIS building is proposed to have reinforced concrete foundations. The GIS building is described as a two storey portal frame building supported by a raft foundation.

8.10.8. I note the Applicant acknowledges the presence of an area of rock near or at the surface to the southwest of the existing AIS Substation building and states that pre-construction ground investigations are proposed to take place at detailed design stage and that this will inform any mitigation or remedial measures required to be applied at detailed design in the planning application boundary. This, in my opinion is a reasonable approach to take. I am therefore satisfied that the Applicant has adopted a reasonable approach to future ground investigations. Based on the information presented, the proposed future ground investigations and the

acknowledgement of the applicant as to the potential for future further mitigation or remedial measures, I do not have any concerns as to the suitability of the ground conditions to cater for the proposed development.

8.11. Adequacy of the Appropriate Assessment (AA) and Natura Impact Statement (NIS)

- 8.11.1. I note the concerns of the Appellant in relation to the adequacy of the submitted Appropriate Assessment (AA) (see Appendix 3 below) and Natura Impact Statement (NIS) (see Appendix 4 below). I have reviewed the Applicants AA Screening Report, and I am satisfied that it does not rely on mitigation measures. The NIS, in Section 6.5, sets out a series of proposed mitigation measures which include, inter alia, an Ecological Clerk of Works, Pre-Construction Surveys and specific measures to avoid pollution of watercourses. I am satisfied that the mitigation measures proposed in the NIS are appropriate and suitable for the scale and nature of development proposed.
- 8.11.2. The Appellant refers to the impact of the proposed development, particularly the prolonged construction period and associated construction impacts (noise, dust, vibration, artificial lighting and heavy vehicle movements), upon sensitive bird species associated with Lough Swilly SPA. The Appellant submits that the NIS includes no seasonal or species specific disturbance schedule and instead relies upon generic CEMP measures. The Appellant considers therefore that the applicant has not demonstrated beyond all reasonable doubt that adverse effects will be avoided which is a requirement of the Habitats Directive.
- 8.11.3. I note the Appellant has not referenced any specific bird species or any specific ex-situ habitat relative or proximate to the proposed development site and that the subject appeal site is located c. 2.2 kms to the south of Lough Swilly SAC and c. 2.6 km south of Lough Swilly SPA. Having regard to the format of the existing site which mainly comprises the existing substation site and adjacent part agricultural lands which include extensive existing overhead lines, pylons and poles, I do not consider it the subject appeal site and surrounding lands represent ex-situ foraging lands for the wintering bird species associated with Lough Swilly SPA. I am satisfied that the proposed development, as presented, will not serve to impact negatively upon ex-situ habitats associated with Lough Swilly SPA.

- 8.11.4. I also note that although the Applicant has sought a permission 10 year duration and that the anticipated construction period for the substation building is indicated to be c. 2 years. The Applicant indicates that the majority of the overall duration is proposed to facilitate the transfer of cables on site between the existing AIS substation and the proposed new substation.
- 8.11.5. I further note Section 4.3.1 of the Applicants Planning and Environmental Considerations Report (PECR) relates to Biodiversity and that various site surveys were carried out including Habitat Surveys, Breeding Bird Surveys, an Amphibian Survey and a Bat Survey. During the site walkovers or breeding bird surveys, the Applicant recorded no Annex I or II or QI species of European sites within the Zone of Influence (ZOI) around the subject appeal site and surrounding area. During the Construction Phase, in the absence of mitigation and control measures, a series of potential temporary impacts on biodiversity are identified. Construction Phase mitigation measures include Pre-Construction Surveys, Reporting, specific Construction Phase Mitigation measures, Biodiversity Enhancement and Reinstatement and Agricultural Reinstatements. A list of anticipated Biodiversity Residual Impacts is set out in Table 4.5. Although there will be a permanent loss of improved agricultural grassland (GA1) equating to 9,690 sqm, this is proposed to be offset by the extent of new meadow proposed to be acquired (28,096 sqm) and ungrazed grassland (4,656 sqm). I am satisfied that the Applicant has suitably appraised and addressed the Biodiversity Impacts of the proposed development.
- 8.11.6. The Appellant considers the potential hydrological risks of the proposed development are underassessed and that the potential environmental risks associated with the haulage, deposition, or disposal of cut material is not assessed in the NIS. It is accepted that the submitted NIS is focused on the potential and predicted impact of the proposed development upon Lough Swilly SAC/ SPA. I note the Construction Phase Mitigation measures set out in Section 4.3.1.6.3 of the Planning and Environmental Considerations Report (PECR) which include the proposed appointment of an Ecological Clerk of Works (ECoW). I am satisfied that the proposed Construction Phase Mitigation measures outlined, further details of which are set out in the CEMP, serve to adequately address all likely potential hydrological risks to the above European Sites arising as a result of the proposed development.

- 8.11.7. The Applicant finally submits that the submitted NIS is not sufficiently robust as the use of SF6 technology was not assessed. The submitted NIS is focused on the potential and predicted impact of the proposed development upon Lough Swilly SAC/SPA, via the existing hydrological connection. Section 4.5 of the NIS relates to Operation and Maintenance and states, inter alia, that *'there will be no impacts on any European designated site from any activities undertaken during the operation phase.'* The potential use of SF6 technology would take place during the Operational phase of the proposed development. It would therefore appear that the Applicant has considered its potential use.
- 8.11.8. In any case, the potential emission of SF6 gases to the atmosphere, in my opinion, does not represent a significant risk as all new switchgear will be contained and maintenance practices would include monitoring of SF6. Best practice measures would include, for example, the training of staff and sub-contractors involved in the installation, management, handling, servicing or disposal of equipment, compliance with all relevant international standards and the implementation of leak detection measures. I note condition no. 18 of the Notification of Decision to Grant permission relates to a Gas Management and Emergency Response Plan. I am satisfied that subject to the attachment of a similar condition in the event of a Grant of Permission being issued, that the potential use of SF6 technology at the subject appeal site would be suitably controlled. I am further satisfied that the submitted NIS is sufficiently robust in this regard.
- 8.11.9. Having regard to the foregoing and to the anticipated type and form of construction impacts arising, I am satisfied that the submitted NIS and proposed mitigation measures are sufficiently robust to determine that the proposed development will not adversely affect the integrity of the relevant European Sites, alone or in combination with other plans or projects.

8.12. Public Consultation

- 8.12.1. I note the Appellants concerns in relation to Public Consultation. The Applicant submits there has been regular and proactive work by the Community and Land Liaison Teams and notes that residents, including the Appellant, have been called to and visited during the course of the proposed development and that no other members of the Community have questioned the Application process. In my opinion,

owing to the nature, scale and intensity of the proposed development and the anticipated lack of significant effects upon the environment, there is no onus upon the Applicant to engage in additional public consultation over and above that required for a normal planning application. In this regard therefore I am satisfied that the Applicant has engaged in sufficient public consultation in accordance with the provisions of the Aarhus Convention.

8.12.2. The Appellant separately considers the Applicant has been selective in terms of consultation and in some cases misleading. How the Applicant engages with respective parties is not a matter for consideration under this Appeal. The Applicant has met its statutory obligations in terms of public consultation.

8.13. Legal Interest/ Validity of Application/ Accuracy of Drawings and Photomontages

- *Sufficient Legal Interest*

8.13.1. I note the defined redline boundary of the subject appeal site, as shown on the submitted site location map, includes lands which are the subject of 2 no. folios stated to be in the control/ ownership of the Appellant. I further note, as per Question 10 of the planning application form, that the Applicant's legal interest in the land or structure is indicated to be C (Other) and that the following is stated: '*Multiple Land Owners - EirGrid Plc is the licensed Transmission System Owner for Ireland pursuant to the provisions of the Electricity Regulation Act 1999. Pursuant to the provisions of S.I. No. 445/2000, EirGrid Plc has the exclusive function to operate and ensure the maintenance of and, if necessary, develop a safe, secure, reliable, economical and efficient electricity transmission system. The Electricity Supply Board is the licensed Transmission Asset Owner for Ireland pursuant to Section 14.*' The final part of Question 10 requires the owner to be stated and a letter of consent from the owner to be provided to make the application. The Applicant indicates the owner as Electricity Supply Board ESB and has provided 4 no. letters of consent. 3 no. of the 4 no. Letters of Consent, are from landowners whose land is contained within the proposed redline boundary. These said 3 no. letters provide consent to the Applicant to make the planning application. The fourth letter of consent is from the ESB to the Local Authority wherein reference is made to the Infrastructure Agreement between the ESB and the Applicant (Eirgrid – the licensed Transmission

System Operator). It is stated in said letter that: *‘..the ESB, as the licensed Transmission System Owner and the person with sufficient legal interest in the property the subject matter of the attached application for the purposes of the Planning and Development Act 2000 (as amended), hereby conveys its consent to the making by EirGrid of this application for planning permission/approval which EirGrid considers necessary.’* In addition, the Applicant, as part of the Appeal Response, notes that *‘given that ESB Networks (ESBN) will be carrying out the development in accordance with its statutory powers, and who have the benefit of existing wayleave agreements relating to the subject circuits on the landholding adjacent to the ESBN-owned Substation. There is no deficiency in terms of Legal interest in the making of the application.’*

- 8.13.2. I note the guidance set out in Section 5.13 of the Development Management Guidelines, 2007, which deals with Issues relating to title of land. Having regard to this said guidance and, as there is, in my opinion, nothing to cast doubt on the bona fides of the Applicant’s stated legal interest to make the planning application, I am satisfied that sufficient legal interest has been demonstrated by the Applicant, as Transmission System Operator, to make the planning application.
- 8.13.3. The Appellant refers to the Applicants drawings and states that these show indicative access and cable routes across the Appellants property. The Applicant on the other hand states there is no development proposed on lands in the ownership of the Appellant. I have reviewed the proposed plans and documents, and I note that while there are existing cable routes which traverse the Appellants lands and other surrounding lands, there is no physical construction proposed on the Appellants lands in the form of, for example, new pylons, buildings or access. All temporary works, in the form of the proposed new site access from the L-1054, the site parking and laydown area and the temporary construction compound, are all located on separate lands outside of the control/ ownership of the Appellant, see the proposed Site Layout Plan, Drg. No. 321084AK-JAC-ZZ-XX-DR-Z-00010 (Rev. P14).
- 8.13.4. As per the same Site Layout Plan, I note there are a total of 5 no. new 110 kV LCIM Towers proposed, all of which are shown in bright green and all of which are outside lands under the control/ ownership of the Appellant. In addition, it is proposed to provide new underground cabling from these said 5 no. new LCIM Towers to the

proposed new GIS Substation Building, all of which are located on lands in the ownership/ control of the Applicant.

8.13.5. I note as per the Landscaping Plan, Drawing Ref. No. LD.LTTRKNNY-SBST 1.1, received by the Local Authority on the 7th July 2025, there is '*proposed infrastructure*' shown in bright green in the form of replacement electricity lines from 2 no. existing pylons located on the Appellants property (on the Drumkeen and Clogher/ Golagh lines respectively) to 2 no. proposed new LCIM towers on separate lands to the immediate north of the Appellants property. This specific '*proposed infrastructure*' is located within the defined redline boundary of the subject appeal site and is also shown, albeit faintly, on the aforementioned Site Layout Plan. I note the proposed development description, as per the public notices, does not expressly refer to the replacement of the existing overhead line at this location but does refer to all associated and ancillary works. In my opinion, such works, i.e. the replacement of the existing line as mentioned could reasonably fall within the definition of associated and ancillary works and there is potential that said works may, in any case, constitute exempted development. Such line replacement works would, in any case, where carried out for or on behalf of a Statutory undertaker, typically constitute exempted development and would be covered by any existing easements. There is therefore no requirement for the Applicant to obtain a letter of consent from the Appellant.

8.13.6. In summary therefore, it is my opinion that the Applicant has suitably demonstrated sufficient legal interest to make the subject planning application.

- *Validity of the Planning Application/ Accuracy of Drawings and Photomontages*

8.13.7. The Appellant refers separately to inconsistencies between information shown on drawings and photomontages and questions the overall integrity of the planning file. The Appellant refers, in particular, to Drawing 0018 and states that this has since been removed from the planning portal and that it previously depicted four additional pylons located on the Appellants lands (southern field). I have reviewed the drawings received from the Local Authority. All drawings are date stamped received on 7th July 2025. I note Site Layout Plan – Sheet 3 Drawing no. 321084AK-JAC-ZZ-XX-DR-Z-0018, Rev. P11, still remains part of the planning pack and that this shows existing

pylons on the Appellants property. I am satisfied, having reviewed the submitted plans that there are no additional pylons proposed on the Appellants property. I note the same drawing is attached to the online planning register.

8.13.8. I have reviewed Site Layout Plan – Sheet 3 Drawing no. 321084AK-JAC-ZZ-XX-DR-Z-0018, Rev. P11, and I am satisfied that it is consistent with VP3 and VP4 as presented in the submitted photomontages.

8.13.9. The Appellant further submits that certain key receptors are not shown on the site location and layout drawings. The submitted site location map and site layout drawings, in my opinion, comply with the requirements of the planning regulations. I note Figures 1 to 7 attached as part of the Planning and Environmental Considerations Report (PECR) relate to the wider area. Figure 1 shows relevant European Sites in the wider area. Figure 2 relates to surrounding habitats including forestry lands further to the south and northeast. Figure 3 shows breeding Bird Survey Results. Figure 4 relates to Community amenities/ Business Enterprises in the wider area including schools and an open farm further to the north. Figure 5 is concerned with Landscape and Visual. Figure 6 relates to Air Quality and Figure 7 relates to Strategic Noise Mapping.

8.13.10. The Appellant refers to 4 no. trenches which are stated to be missing from the current drawings. The Appellant states that the PECR and Traffic Report refer to 11 no. trenches and submits there is an inconsistency which has not been explained. The submitted plans show a total of 8 no. cable trenches within the proposed site boundary. No cable trenches are shown to be proposed outside the redline site boundary or crossing under the public road (L-1054) to the southwest. The PECR and Construction Traffic Management Traffic Report indeed refers to 11 no. trenches. This, in my opinion, may have related to previous proposals. The current proposals are, in my opinion, as shown on the submitted plans. No trenches are shown to be proposed outside the defined red line boundary of the site.

8.13.11. In summary therefore, it is my opinion that the information presented on the submitted drawings and plans provide an accurate and consistent representation of the proposed development.

- *Conclusion in relation to the Validity of the Planning Application/ Accuracy of Drawings and Photomontages*

8.13.12. Having regard to the foregoing, it is my opinion that the application and appeal both remain valid and that the drawings and photomontages are accurate.

8.14. **Other Matters**

- *Fire Safety*

8.14.1. I note the internal Report and recommendation from the Chief Fire Officer where no objection is raised to the proposed development subject to conditions. Condition no's 6 and 7 of the Notification of Decision to Grant permission relate to Fire Safety.

8.14.2. Fire Safety is the subject of a separate legal code under the Building Regulations. The issue of compliance with Building Regulations will be evaluated under a separate legal code and thus need not concern the Commission for the purposes of this appeal.

- *Precedent Cases*

8.14.3. The Appellant considers the precedent cases referenced by the Applicant are not of relevance as they do not relate to the same setting and context to that of the subject proposal. Each application is dealt with on its own merits having regard to the established setting and context and subject to normal planning and environmental considerations. The proposed development, as presented, would not be inconsistent with the established pattern of development in the locality.

- *Devaluation in Property*

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

- *CPO/ Land Take/ Incorporation of Easements*

8.14.5. The Appellant refers to a potential future Compulsory Purchase Order (CPO) which may be sought in relation to their lands should planning permission be granted. The Appellant considers this to be extremely concerning owing to a perceived lack of

transparency to date. I am unaware of any proposed future CPO which may or may not pertain to the Appellants lands. I am further unaware as to any proposed future land take of the Appellants lands.

- 8.14.6. Aside from the apparent proposed replacement of part of the existing overhead line with the Appellants property, there are no significant development works proposed on the Appellants lands. The Applicant refers to existing wayleave agreements relating to the subject circuits on the landholding adjacent to the ESN owned substation. I take this to include the Appellants lands. The Appellant refers to an existing easement across their lands and refers to a requirement for a further 4 no. easements which in turn have the potential to sterilise and the use of the lands for agricultural purposes. The proposed development works, as presented, do not, in my opinion, create a requirement for additional easements across the Applicants lands. Any requirement for any such additional future easements are not, in my opinion, a matter for consideration under this appeal.

9.0 AA Screening

9.1. Screening Determination

Finding of likely significant effects

- 9.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on Lough Swilly SAC and Lough Swilly SPA in view of a number of qualifying interest features of those sites.
- 9.1.2. It is therefore determined that Appropriate Assessment (stage 2) of the proposed development is required as per Section 177V of the Planning and Development Act, 2000.

9.2. Appropriate Assessment Conclusion: Integrity Test

- 9.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) in view of the

conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

9.2.2. Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

9.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

10.0 Water Framework Directive

10.1.1. The Swilly (Donegal)_010 (IE_NW_39S020300) River lies within c. 132 metres to the west of the subject appeal site (Waterbody Status: Good). The site lies above the Lough Swilly (Groundwater body ((EU Code: IEGBNI_NW_G_059) (Waterbody Status: Not at Risk). The proposed development is detailed in section 2.0 of my report. There were no specific water deterioration concerns were raised in the planning appeal or observations.

I have assessed the proposed development and associated works and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.

The reason for this conclusion is as follows:

- Nature of works e.g. limited scale and nature of the development;
- Location-distance from nearest water bodies and/or lack of direct hydrological connections;

I conclude that on the basis of objective information, 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 and consequently can be excluded from further assessment.

11.0 Recommendation

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

12.0 Reasons and Considerations

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

Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with the Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State.

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

- European legislation, including of particular relevance:
 - Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive) which set the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union.
 - Directive 2011/92/EU (The EIA Directive) as amended by Directive 2014/52/EU as implemented by Article 94 and Schedule 6 (paragraphs 1 and 2) of the Planning Regulations as amended.
 - Directive 2000/60/EC, the Water Framework Directive, and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive.
 - Regulation (EU) 2024/573 of the European Parliament and of the Council of 7 February 2024 on fluorinated greenhouse gases, amending Directive (EU) 2019/1937 and repealing Regulation (EU) No 517/2014
- National and regional planning and related policy, including:
 - The Critical Infrastructure Act, 2026
 - National policy with regard to the transition to a carbon neutral and climate resilient society, particularly the National Planning Framework First Revision 2025 and National Policy Objective 71 (*To support the development and upgrading of the national electricity grid infrastructure, including supporting the delivery of renewable electricity generating development*)
 - Climate Action Plans 2024 and 2025
 - The objectives and targets of the National Biodiversity Action Plan 2023-2030.
- Regional and local planning policy, including:
 - Regional Spatial and Economic Strategy for the Northern and Western Region, 2020 to 2032.

- Donegal County Development Plan, 2024-2028.
- Other relevant national policy and guidance documents including:
 - Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure, July 2012
- The nature, scale and design of the proposed development as set out in the planning application and the pattern of development in the vicinity.
- The likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites.
- The Natura Impact Statement submitted with the planning application.
- The submissions and observations made in connection with the planning application and the submissions on the application.
- The report and the recommendation of the Inspector, including the examination, analysis and evaluation undertaken in relation to appropriate assessment, environmental impact assessment and the Water Framework Directive.
- The planning history of the immediate area, including the adjacent established substation.

Appropriate Assessment: Stage 1:

The Commission completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application, the Planning Inspector's report, and the submissions on file. The Commission agreed with the screening assessment and conclusion carried out in the Inspector's Report that the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the conservation

objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

Appropriate Assessment: Stage 2:

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Commission completed an Appropriate Assessment of the implications of the proposed development for the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075), in view of the conservation objectives of the sites. The Commission considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the Appropriate Assessment, the Commission considered, in particular, the following:

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

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the conservation objectives of the sites. In overall conclusion, the Commission was satisfied that the proposed development, either by itself or in combination with other plans or projects, would not adversely affect the integrity of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075), in view of the conservation objectives of the sites.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have an unacceptable impact on the character of the landscape, would not seriously injure the visual or residential amenities of the area including designated views and prospects and scenic routes, would be acceptable in terms of public health and traffic safety, would not have undue impacts

on surrounding land uses, would not have an unacceptable impact on ecology or on any European Site, would make a positive contribution to Ireland's requirements for renewable energy in accordance with national, regional and local policy, would contribute to the resilience of the energy distribution network and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7th day of July 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: Having regard to the nature of the development, the Commission considers it appropriate to specify a period of validity of this permission in excess of five years.

3. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented in full.

Reason: To protect the integrity of European Sites.

4. All of the environmental, construction and ecological mitigation and monitoring measures and set out in the Construction Environmental Management Plan (CEMP), the Flood Impact Assessment (FRA), the Landscape and Visual Impact Assessment (LVIA), the Eco-Landscape

Mitigation Plan, the Construction Traffic Management Plan (CTMP), the Construction and Demolition Resource and Waste Management Plan (CDRWMP) and the following sections of the Planning and Environmental Considerations Report (PECR), Chapter 4 – Environmental Considerations including Section 4.3.1 Biodiversity, Section 4.3.2 Landscape and Visual Impact Assessment, Section 4.3.3 Population and Human Health, Section 4.3.4 Air Quality, Section 4.3.5 Noise and Vibration, Section 4.3.6 Traffic and Transport, Section 4.3.7 Resource Use and Waste Management, 4.3.8 Soils, Geology and Hydrology and Section 4.3.9 Hydrology and appendices to the PECR shall be implemented in full by the developer in conjunction with the timelines set out therein except as may otherwise be required to comply with the conditions of this Order.

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

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and shall otherwise comply with submitted Site Specific Flood Risk Assessment. A drainage management plan shall be developed for the construction and the operational phases of the development to include details of the proposed access routes and drains and is to be submitted to the planning authority for approval prior to commencement of development.

Reason: in the interests of environmental protection and flood prevention.

6. All road surfaces, culverts, watercourses, verges, and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority at the developer's expense. Prior to commencement of development, a road condition survey shall be carried out to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect the road network.

7. Prior to the commencement of development, the developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate. Such requirements shall require provision of a detailed Traffic Management Plan and shall include the following details:
- (a) Consultation with TII and all private and public companies and road authorities.
 - (b) Details of haulage routes, control measures for abnormally sized vehicles and an Abnormal Load Assessment.
 - (c) A road condition survey of roads and bridges along the haul route to be carried out at the developer's expense and to the satisfaction of the planning authority.
 - (d) Detailed arrangements for construction damage to be made good by the developer to the satisfaction of the planning authority.
 - (e) Detailed arrangements for temporary traffic management/controls, to include arrangements for the safe operation of the junction of the L-1054 and N13 and protocols to keep residents informed,
 - (f) Construction Route Signage,
 - (g) Road Opening Licences that will be required,
 - (h) Detailed design of the site entrance onto the L-1054, with provision of sightlines to the satisfaction of the planning authority and recessed entrance gate.

Reason: In the interest of traffic and pedestrian safety.

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

- (a) a detailed plan for the construction phase incorporating, inter alia, construction programme, supervisory measures, noise, vibration, dust and surface water management measures including appointment of a site noise liaison officer, construction

hours and the management, transport and disposal of construction waste.

- (b) a comprehensive programme for the implementation of all monitoring commitments made in the application and supporting documentation during the construction period;
- (c) an Invasive Species Eradication and Management Strategy for the site, to include monitoring post completion of works;
- (d) an emergency response plan;
- (e) proposals in relation to public information and communication. A record of daily checks that the works are being undertaken in accordance with the Construction Environmental Management Plan shall be kept for inspection by the planning authority, and
- (f) an outline strategy for any future decommissioning phase, to include means to protect and enhance biodiversity.

Reason: In the interest of environmental protection and orderly development.

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

10. Where there is a requirement to import stone aggregate to the site for development works, the developer shall give regard to the use of recycled aggregates which have achieved End-of-Waste Status in accordance with

EPA Criteria and Guidance. The use of recycled aggregates is strictly limited to the specific uses set out in the EPA's National End-of-Waste Criteria for Recycled Aggregates or a Single Case Decision made in respect of recycled aggregates.

Reason: To maximise the sustainable reuse of construction products and to reduce the extraction of virgin raw materials.

11. Operational noise levels from the proposed development shall not exceed 40 dBA during hours of operation at the nearest noise sensitive receptors. Where noise levels from the proposed development exceed those specified, the development shall submit detailed proposals for ameliorating excessive noise levels to the Planning Authority for prior written agreement.

Reason: In the interest of environmental protection and orderly development.

12. The developer shall comply with the following requirements:
 - (a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
 - (b) Cables within the site shall be located underground.
 - (c) External finishes to fencing, gates and exposed metalwork (non-galvanised/subject to EirGrid requirements), roof and external walls of substation, shall comply with the requirements of the planning authority.

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

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. The landscaping scheme shown on the 'Eco-Landscape Mitigation Plan' drawing reference number LD.LTTRKNNY-SBST 1.1, dated June 2025, shall be carried out within the first planting season following substantial

completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of three years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

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

15. Prior to the commencement of the development, a Gas Management and Emergency Response Plan shall be submitted for the Planning Authority for prior written agreement. The approved plan shall provide precise information as to the use of SF6 technology, where applicable, and full details of any SF6 free technology proposed to be used. The approved plan shall be implemented for the lifetime of the development.

Reason: In the interests of public safety, climate protection and environmental management.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with

the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Frank O'Donnell
Planning Inspector

28th August 2026

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	ACP-323688-25
Proposed Development Summary	Extension of existing ESB Networks 110 Kv substation compound, construction of a 110 Kv switchgear building and construction of 5 no. 110 Kv line cable interface masts. A Natura Impact Statement (NIS) was submitted with the application.
Development Address	Listellian, Letterkenny, County Donegal.
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?	☒ Yes, it is a 'Project'. Proceed to 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.	
☐ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
☐ 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)	<u>Schedule 5, Part 2</u> <u>Class 1 – Projects for the Restructuring of Landholdings</u> a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where the length of field boundary to be removed is above 4 kilometres, or where re-contouring is above 5 hectares, or where the area of lands to be restructured by removal of field boundaries is above 50 hectares. <u>Class 13 – Changes, Extensions, Development and Testing</u> a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	Screening Determination required (Complete Form 3)

No ☐	Pre-screening determination conclusion remains as above (Q1 to Q3)
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Inspector: _____ Date: _____

Appendix 2: Form 3 – EIA Screening Determination

A. CASE DETAILS		
Case Reference	ABP-323688-25	
Development Summary	Extension of existing ESB Networks 110 kV substation compound, construction of a 110 kV switchgear building and construction of 5 no. 110 kV line cable interface masts. A Natura Impact Statement (NIS) was submitted with the application.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	See Applicants' Environmental Impact Assessment (EIA) Screening Report (Section 5.3)
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report and a Natura Impact Statement (NIS) have been submitted by the Applicant.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA.	Yes	The EirGrid Grid Implementation Plan 2023-2028 has been subject to Strategic Environmental Assessment which has regard inter alia to EirGrid's Grid development program.

		The Application documentation also includes the following: • Planning and Environmental Considerations Report (PECR) • Environmental Impact Assessment (EIA) Screening Report • Appropriate Assessment (AA) Screening Report • Natura Impact Statement (NIS) • Construction Environmental Management Plan (CEMP) • Flood Risk Assessment (FRA) • Landscape and Visual Impact Assessment (LVIA) • Eco-Landscape Mitigation Plan • Construction Traffic Management Plan (CTMP) • Construction and Demolition Resource and Waste Management Plan (CDRWMP)
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B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	The proposed development, as presented, is not significantly different in character and scale to the of the existing surrounding environment.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	See the Description of the Proposed Development provided in Section 2.2 of the Applicants' EIA Screening Report. The proposed construction, operation and decommissioning works will result in physical changes to the locality. Topographical changes are not	No

		anticipated to be significant. The existing agricultural land use of part of the application site will change to substation/ utility use. It is also proposed to reroute an existing surface water drainage ditch from the southern boundary of the existing AIS substation to the perimeter of the proposed replacement GIS substation building.	
1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	No	It is not anticipated that the construction or operation of the project will use significant natural resources such as land, soil, water, materials/ minerals or energy, especially resources which are non-renewable or in short supply. Whilst there will be some permanent loss of hedgerows or other vegetation clearance as part of the Proposed Development, new scrub will be planted around the proposed new GIS substation building embankment and new woodland will be planted within the site and along the eastern boundary of the site to compensate. In addition, there are new improved grassland areas of low ecological value proposed. Upon completion of the Proposed Development a biodiversity net gain will be achieved.	No

1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	The proposed GIS substation has been designed to use gas (Sulphur Hexafluoride – SF6) as the insulation between the circuits. SF6 is a potent greenhouse gas that has a global warming potential of 22,200 times that of CO2 over a 100-year period. The proposed replacement GIS substation has been designed to ensure it can accommodate the potential increase in size required for SF6 free GIS equipment. As and from 1 January 2028, the putting into operation of the SF6 switchgear technology proposed, is due to be prohibited as per Article 13 (9) of Regulation (EU) 2024/573 (Fluorinated Greenhouse Gases). In this regard, it is my opinion that the proposed development, as presented, is compliant with the provisions of said Regulations. Furthermore, the proposed development, as presented, would be consistent with the relevant provisions of the Climate Action Plan, 2025, which relate to the phasing out of SF6 technology. The potential emissions of SF6 gases to the atmosphere are not considered to be significant and, in the event of a grant of permission being issued, can, in my opinion, be successfully managed by way of an appropriate and bespoke	No

		prior to commencement Gas Management planning condition.	
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Solid Waste – Yes Release pollutants or any hazardous/ toxic/ noxious substances - No	An assessment regarding the production of waste has been included in the PECR submitted with the planning application. See Section 4.3.7 (Resource Use and Waste Management) in the PECR. The Proposed Development is not likely to have significant environmental effects with regard to the production of waste. Waste materials will be produced during construction as a result of construction activities / processes. Excavations will be required as part of the Construction Phase, with resulting cut material generation. All waste generated will be handled, reused where possible, or transferred and disposed of to an appropriately licensed / permitted waste disposal / recovery facility. The application includes a Construction and Demolition Resource and Waste Management Plan (CDRWMP). The presence of any hazardous materials on site (e.g. asbestos) will be confirmed through survey prior to the start of dismantling activities. Any such hazardous materials will be handled and disposed of in	No

		accordance with most recent and relevant legislation.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	The CEMP contains mitigation to manage impacts to the environment during construction, this includes management of stockpiles, surface water management during construction. A drainage scheme has been designed to convey the run-off created by the impermeable areas associated with the proposed new GIS substation building and the new permanent internal access road. The drainage proposals are summarised as: - All permanent internal access road will be surrounded by crushed stone, which will provide attenuation and treatment at source; and - An attenuation tank will provide attenuation for the proposed new GIS substation building roof run-off, with an outfall to an existing ditch and a Flow Control Device manhole to be placed just upstream to ensure the permissible outflow is appropriately limited.	No

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	No	It is not anticipated that the project will cause excessive noise and vibration or release excessive light, heat, energy or electromagnetic radiation.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No	No significant impacts are anticipated on human health as a result of the Proposed Development.	No
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No	There are no designated SEVESO sites within the functional area of Donegal County Council. The likelihood of any accidents or incidents during construction and operation will be managed in accordance with relevant health and safety legislation and by the implementation of best practice construction and operational procedure management. The Proposed Development of the proposed new GIS substation building will house the new electrical infrastructure which will reduce exposure to external factors such as wind, storms, flooding etc. This will minimise the risk to the infrastructure itself during operation. No significant impacts are anticipated with respect to the risk of major accidents and/or disasters as a result of the Proposed Development.	No

1.10 Will the project affect the social environment (population, employment)	No	There are no likely significant effects of the proposed development upon the social environment (population, employment).	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Cumulative impacts from other existing and/or permitted projects in the area have been carefully assessed and is included in Section 4.3.10 (Cumulative Impacts) in the PECR submitted as part of the planning application. The works are not expected to result in any significant combined effects, as the scale and nature of the Proposed Development, in conjunction with other projects, will not lead to adverse cumulative impacts on the environment.	No
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of	Yes	2 no. European sites were considered to be within the zone of influence of the Proposed Development due to their connectivity (proximity, ecological, hydrological, etc.). Consideration has been given to any hydrological linkages as part of the assessment. Refer to Section 4.3.1 (Biodiversity) of the PECR submitted as part of this planning application.	No

a development plan/ LAP/ draft plan or variation of a plan.		An Appropriate Assessment Screening Report (AASR) forms part of the planning application. A Natura Impact Statement (NIS) was also prepared and examined whether, in view of best scientific knowledge and applying the precautionary principle, the Proposed Development either individually, or in-combination with other plans or projects, may have an adverse effect on the integrity of Natura 2000 Sites (also known as European sites) (See Appendix D (NIS) of the PECR submitted as part of the planning application). It is considered that adverse effects on site integrity of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. This conclusion is based on the following: ▪ Detailed assessment of construction and operational impacts. ▪ The proposed development will not affect the attainment of conservation objectives for the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly	
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		SPA (Site Code: 004075) or prevent or delay the restoration of favourable conservation condition of species. ▪ Effectiveness of mitigation measures proposed. ▪ Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.	
2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	Yes	In terms of Habitat Loss there is potential for negative effects at a County Level from loss of WL1 (species rich). There is potential for negative effects at a Local (Higher Value) Level from loss of WL1 (species poor), WS1, WN6, FW4 and GS4. There is potential for negative effects at a Local (Lower Value) Level from loss of GA1 due to the habitats limited use for foraging species such as bats. There is potential for negative effects to Birds at a Local (Higher Value) Level from habitat loss, mortality, and disturbance to breeding birds. There is potential for negative effects to Amphibians at a Local (Higher Value) Level from mortality, disturbance and pollution for herpetofauna.	No

		There is potential for negative effects at a Local (Higher Value) Level from disturbance to bats. There is potential for negative effects at a Local (Higher Value) Level from mortality to other mammals. During the Operational Phase, there is no potential for negative effects at an International Level on the SAC and SPA from habitat degradation via a pollution event. There is no potential for negative effects at a National Level from pollution on Big Isle, Blanket Nook & Inch Lake pNHA. There is no potential for negative effects at a Local (Higher Value) Level from pollution of FW4 or impacts on herpetofauna. There is potential for negative effects at a Local (Higher Value) Level from disturbance to bats. Mitigation Measures include Pre-Construction Surveys, Reporting, Construction Phase Mitigation and Biodiversity Enhancement, Reinstatement and Agricultural Reinstatement. Residual impacts after mitigation are outlined in Table 4.5. The Eco-landscape Mitigation Plan (Appendix H of the PECR) includes new and supplementary hedgerow, new scrub planting and enhancement of improved agricultural grassland to meadow. Therefore, post-completion of the Proposed Development there will be a net gain of biodiversity.	
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2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No	There are no other features of landscape, historic, archaeological, or cultural importance that could be affected.	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no areas on/ around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	A Flood Risk Assessment (FRA) was carried out for the Proposed Development (refer to Appendix F of the PECR). The FRA determined that the Proposed Development is located in Flood Zone C and is at low risk of flooding from all potential sources. There are no watercourses close to the site and there are no records of flooding at the proposed area of works. The conclusion of the FRA is also not affected by effects of future climate change due to the low overall risk of flooding to the Proposed Development.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	The location of the subject appeal site is not understood to be susceptible to subsidence, landslides or erosion.	No
2.7 Are there any key transport routes(e.g. National Primary Roads) on or around the location which are susceptible to congestion, or which cause environmental	Yes	The subject appeal site is located immediately adjacent to the N13 National Primary Road. It is not proposed to utilise the existing	No

problems, which could be affected by the project?		vehicular access to the existing substation during the construction phase of the proposed development. Construction traffic is instead proposed via the L-1054 to the south. The N13 is not considered to be susceptible to congestion or environmental problems, which could be affected by the proposed development.	
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	There are no existing sensitive land uses or community facilities, such as hospitals or schools which could be affected by the project. There is an existing local Primary School located c. 856 metres to the north of the subject appeal site however it is not anticipated that the proposed development will serve to present any significant environmental impact on same.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	See Section 4.3.10 of the PECR. The majority of recent planning applications in the vicinity of the Proposed Development appear to be small scale domestic applications such as dwelling house modifications, as well as minor agricultural developments.	No

		The proposed Donegal TEN-T project is located in in close proximity to the Proposed Development, with Section 2 of the scheme proposing upgrades to the existing N13, directly north of the existing AIS Substation and a proposed new offline section to the east of the existing N13. Despite the limited potential for overlap in the construction of the two projects, consideration has been given to the potential cumulative impacts which could occur in the unlikely event that the construction phase of the two projects aligned: • Traffic and Transport: simultaneous movement of heavy machinery, workers and materials would have the potential to increase congestion on the local road network, particularly in the event of road closures or diversions associated with the road upgrades associated with the TEN-T project; • Air Quality: potential for cumulative increase in the emission of dust and particulate matter due to additional construction activities and construction traffic;	
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		• Noise and Vibration: potential for cumulative increase in noise due to additional construction traffic and from construction activities; • Population and Human Health: potential cumulative impacts on local residents and road users as a result of the potential increased traffic, air and noise emissions; • Biodiversity: potential cumulative impacts associated with land clearance, habitat loss, or increased air and noise pollution; and • Water: increased sediment run-off or contamination from construction activities could affect local rivers or groundwater as well as natural drainage patterns if not managed properly. A review of the NPAD also identified that an application (reference: 2051961) has been granted for an extension to the overhead power line to link the Lettergull wind farm to the Letterkenny substation until March 2026. The construction time frame for the	
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		extension to the overhead power line is not known at this time, however, given the location of the works associated, there is some potential for minor cumulative effects if the construction periods overlapped. Given the nature of the works which involve overhead line, it is anticipated that these would be primarily limited to traffic disturbance and disruption, however these are not expected to be long term or significant. There will likely be interactions between several of the different environmental aspects outlined individually above. For example, increases in traffic during the Construction Phase may result in increases in road noise, vehicle emissions and dust in respect to air quality. Further, any impacts to the water quality as a result of the Proposed Development could impact on the local ecology where hydrological links exist between a water body and a designated site. These interrelationships have been assessed in the individual sections in this report, in accordance with the EPA Guidelines (EPA 2022a), and following this assessment, and the implementation of recommended mitigation measures, such effects are not considered to be significant.	
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3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	The project is not considered to be likely to lead to any transboundary environmental effects.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	☒	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

1. the criteria set out in Schedule 7, in particular
 - (a) the limited nature and scale of the proposed substation development, within and adjacent to an established substation site,
 - (b) the absence of any significant environmental sensitivity in the vicinity,
2. the results of other relevant assessments of the effects on the environment submitted by the applicant including
 - the Appropriate Assessment Screening Report (AASR);
 - the Natura Impact Statement (NIS) and findings of the Local Authority that having fully considered the NIS and having carried out an Appropriate Assessment, the Local Authority is satisfied that the project will not adversely affect the integrity of any European site, alone or in combination with other plans or projects;
 - the Appropriate Assessment (Natura Impact Report) of the Donegal County Development Plan, 2024 to 2030;
 - the Environmental Impact Assessment (EIA) Screening Report, the findings of the Local Authority that as per the EIA Screening Report the proposal does not exceed mandatory thresholds for EIA and that potential effects on population, human health, biodiversity, soil, water, air, climate, material assets, landscape and cultural heritage have been assessed and that no likely significant effects are identified that would warrant an Environmental Impact Assessment Report;
 - the Strategic Environmental Assessment (SEA) of the Donegal County Development Plan, 2024 to 2030.
3. the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, including measures identified to be provided in the Preliminary Construction and Environmental Management Plan, the Flood Risk Assessment, the Landscape and Visual Impact Assessment, the Eco-

Landscape Mitigation Plan, the Construction Traffic Management Plan and the Construction and Demolition Resource and Waste Management Plan.

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

Inspector: _____ **Date:** _____

Approved (DP/ADP): _____ **Date:** _____

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Appendix 3: AA Screening Determination - Test for likely significant effects

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Please see Section 2 of the above Planning Report for a description of the proposed development. In short, permission is sought for an extension of existing ESB Networks 110KV substation compound, construction of a 110KV switchgear building and construction of five 110KV line cable interface masts.
Brief description of development characteristics and potential impact mechanisms	The subject appeal site has a stated site area of 9.3 hectares. The proposed new GIS Substation building has a stated floor area of 1,615 sqm. The site is located in the townland of Listellian, c. 2.2 km to the south of Lough Swilly SAC (Site Code 002287) and c. 2.6 km to the south of Lough Swilly SPA (Site Code 004075).
Screening report	Yes
Natura Impact Statement	Yes
Relevant submissions	Third Party Observations: Issues Raised: General impact of the proposed development upon Lough Swilly SAC and SPA. Potential ex situ impacts/ disturbance of sensitive Bird Species associated with the SPA.
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	
The European Sites potentially within a zone of influence of the proposed development are listed in the table below.	

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Lough Swilly SAC (Site Code: 002287)	<u>Qualifying Interests</u> <u>(Source: NPWS Website, July, 2026):</u> Estuaries [1130], Coastal lagoons [1150], Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0], Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]	2.2 km	Yes. Indirect hydrological connection via surface water run-off.	Yes
Lough Swilly SPA (Site Code 004075)	<u>Qualifying Interests</u> <u>(Source: NPWS Website, July 2026):</u> Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038]	2.6 km	Yes. Indirect hydrological connection via surface water run-off.	Yes

Greylag Goose (Anser anser) [A043]			
Shelduck (Tadorna tadorna) [A048]			
Teal (Anas crecca) [A052]			
Mallard (Anas platyrhynchos) [A053]			
Scaup (Aythya marila) [A062]			
Goldeneye (Bucephala clangula) [A067]			
Red-breasted Merganser (Mergus serrator) [A069]			
Coot (Fulica atra) [A125]			
Oystercatcher (Haematopus ostralegus) [A130]			
Knot (Calidris canutus) [A143]			
Dunlin (Calidris alpina) [A149]			
Curlew (Numenius arquata) [A160]			
Redshank (Tringa totanus) [A162]			
Greenshank (Tringa nebularia) [A164]			
Black-headed Gull (Chroicocephalus ridibundus) [A179]			
Common Gull (Larus canus) [A182]			

	Common Tern (<i>Sterna hirundo</i>) [A193] Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395] Wigeon (<i>Mareca penelope</i>) [A855] Shoveler (<i>Spatula clypeata</i>) [A857] Sandwich Tern (<i>Thalasseus sandvicensis</i>) [A863] Wetland and Waterbirds [A999]			

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

The proposed development is not located within a designated European Site but is proximate to Lough Swilly SAC (Site Code: 002287) and Lough Swilly SPA (Site Code 004075) identified in *Step 2* above.

The applicant's Screening Assessment (Section 4.2.1) considered there were no ecological pathways or functional links identified between the Proposed Development and other European Sites other than the above 2 no. sites. As a result, due to the lack of any ecological pathway or functional link to any other European Sites, no other European Sites were considered. I concur with the conclusions reached in this regard.

The screening assessment contained in the applicant's submitted Appropriate Assessment Screening Report indicates potential direct/indirect impacts generated by the construction and operational phases of the proposed development alone and in combination with other plans and projects including contamination/pollution of surface and/or ground waters.

Sources of impact and likely significant effects are detailed in the table below:

AA Screening Matrix		
Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Lough Swilly SAC (Site Code: 002287) Estuaries [1130], Coastal lagoons [1150], Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinia caerulea) [6410] <i>Old sessile oak woods with Ilex and Blechnum in the British Isles</i> [91A0], Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355]	<i>Old sessile oak woods with Ilex and Blechnum in the British Isles</i> [91A0] has been identified as not having an effect pathway for Likely Significant Effect as it is not hydrologically linked or groundwater dependent. Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Water pollution at operational stage via run-off discharge.	For the remaining QI the following Potential for Significant Effects have been identified: Potential Habitat Degradation due to a deterioration in Water Quality
Site 2: Lough Swilly SPA (Site Code: 004075) Great Crested Grebe (Podiceps cristatus) [A005] Grey Heron (Ardea cinerea) [A028] Whooper Swan (Cygnus cygnus) [A038] Greylag Goose (Anser anser) [A043]	Negative impacts on surface water/ground water quality due to construction related emissions including increased sedimentation and construction related pollution. Water pollution at operational stage via run-off discharge.	Potential Habitat Degradation due to a deterioration in Water Quality

Shelduck (Tadorna tadorna) [A048]		
Teal (Anas crecca) [A052]		
Mallard (Anas platyrhynchos) [A053]		
Scaup (Aythya marila) [A062]		
Goldeneye (Bucephala clangula) [A067]		
Red-breasted Merganser (Mergus serrator) [A069]		
Coot (Fulica atra) [A125]		
Oystercatcher (Haematopus ostralegus) [A130]		
Knot (Calidris canutus) [A143]		
Dunlin (Calidris alpina) [A149]		
Curlew (Numenius arquata) [A160]		
Redshank (Tringa totanus) [A162]		
Greenshank (Tringa nebularia) [A164]		
Black-headed Gull (Chroicocephalus ridibundus) [A179]		
Common Gull (Larus canus) [A182]		
Common Tern (Sterna hirundo) [A193]		

Greenland White-fronted Goose (Anser albifrons flavirostris) [A395] Wigeon (Mareca penelope) [A855] Shoveler (Spatula clypeata) [A857] Sandwich Tern (Thalasseus sandvicensis) [A863] Wetland and Waterbirds [A999]		
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
Based on the information provided with the application and appeal, having conducted a site inspection, having reviewed of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in significant effects on Lough Swilly SAC (Site Code: 002287) and Lough Swilly SPA (Site Code 004075). I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of Lough Swilly SAC and Lough Swilly SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.		

Screening Determination

Finding of likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant, I conclude that it is not possible to exclude that the proposed development alone, or in combination with other plans and projects, will give rise to significant effects on Lough Swilly SAC and Lough Swilly SPA in view of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) of the proposed development is required as per Section 177V of the Planning and Development Act, 2000.

Appendix 4: Appropriate Assessment (AA) and Appropriate Assessment Determination

Appropriate Assessment (ACP-323688-25)

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

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development comprising extension of existing substation, construction of a 110 kV GIS substation building and construction of 5 no. 110 kV line cable interface masts and all associated site works in view of the relevant conservation objectives of Lough Swilly SAC (Site Code: 002287) and Lough Swilly SPA (Site Code 004075) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Appropriate Assessment Screening & Natura Impact Statement prepared by Jacobs Engineering; and,
- The other plans and particulars submitted with the application and appeal.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects have been considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on the integrity of the respective European Sites site are included and reasonably assessed for effectiveness.

Submissions/observations

- 2 no. third party submissions/observations were received at application stage. In summary, the main specific concerns in relation to Appropriate Assessment or impacts on European Sites, as raised in the 2 no. submissions/ observations relate to potential unspecified impacts of the proposed development upon Lough Swilly SAC and SPA.
- No observation submissions were received from Prescribed or other Bodies.

European Site			
Lough Swilly SAC (Site Code: 002287): Summary of Key issues that could give rise to adverse effects: (i) Water Quality Degradation (Construction and Operation) (ii) Habitat Degradation (iii) Downstream Impacts See Table 6.1 in NIS			
Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Table 6.5 of submitted NIS for full details)
Estuaries	Conservation Objective: <i>To maintain the favourable conservation condition of Estuaries in Lough Swilly SAC, which is defined by the following list of attributes and targets:</i> Habitat Area: <u>Target:</u> The permanent habitat area is stable or increasing, subject to natural processes.	Habitat Area: No decline in Habitat Area.	No. The Proposed Development will not result in the loss of any estuarine habitat.
	Community distribution:	Community Distribution: Change in the natural condition	Yes: A pollution event impacting estuarine habitats downstream could potentially cause

	Target: The following communities should be conserved in a natural condition. Fine sand community complex; intertidal mixed sediment with polychaetes; Subtidal mixed sediment with polychaetes and bivalves; Muddy fine sand with <i>Thyasira flexuosa</i>; Mud community complex and <i>Ostrea edulis</i> dominated community. See Map 3.	and distribution of the associated communities depending on the species tolerance to pollution.	a significant change to the natural condition and distribution of the associated communities depending on the species tolerance to pollution. <u>Mitigation Measures:</u> - Ecological Clerk of Works (ECoW). - Pre-Construction Surveys - Construction and Environmental Management Plan (CEMP) - Materials Storage Measures, including Fuel/Oil - Spill prevention measures - Control of potential fuel and oil leaks from vehicles and plant - Management of Storage of surplus soil material to prevent deterioration of the materials and their escape (via surface water run off or wind blow). - Erection of Silt Fencing. - Lands within the planning application boundary which are to be permanently
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			acquired to be reinstated and enhanced as per the Eco-Landscape Mitigation Plan (Appendix H of the PECR).
Atlantic Salt Meadows	Conservation Objective: <i>To restore the favourable conservation condition of Atlantic salt meadows in Lough Swilly SAC, which is defined by the following list of attributes and targets:</i> Habitat Area: <u>Target:</u> Area stable or increasing, subject to natural processes, including erosion and succession. For sub-sites mapped: Fahan – 7.29ha, Green Hill – 2.02 ha, Lower Lough Swilly – 8.44 ha, Rathmelton – 10.01 ha, Ray 0.05 ha, See Map 5.	No decline in Habitat Area.	No: The Proposed development will not result in the loss of any habitat.
	Habitat Distribution: <u>Target:</u> No decline, subject to natural processes. See map	No change in Habitat Distribution.	No: The Proposed development will not result in a change of Habitat Distribution.

	5 for known distribution.		
	Physical structure of Habitats (sediment supply, creeks and pans, flooding regime): <u>Target:</u> Sediment Supply (Target): Maintain/Restore natural circulation of sediments and organic matter, without any physical obstructions. Creeks and Pans (Target): Maintain/Restore creek and pan structure, subject to natural processes, including erosion and succession. Flooding Regime (Target): Maintain natural tidal regime.	No significant change in structure of Habitats.	No: A sedimentation event arising from the construction of the Proposed Development is unlikely to cause a significant change to the natural processes, given the assimilation capacity of rivers feeding the estuary and the estuary itself.
	Vegetation structure (zonation, height, cover): <u>Target:</u> Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession. See map 5.	No significant change in Vegetation Structure.	Yes: A pollution event impacting the water quality of habitats downstream could cause a significant change to the natural vegetation structure of these habitats depending on the species tolerance to pollution. <u>Mitigation Measures:</u> See Mitigation Measures (Summary)

			as outlined further above.
	Vegetation composition: <u>Targets:</u> <u>Vegetation Structure: Zonation:</u> Maintain range of saltmarsh habitat zonations including transitional zones, subject to natural processes including erosion and succession. See map 5. <u>Vegetation Structure: Height:</u> - Maintain structural variation within sward. <u>Vegetation Structure:</u> <u>Vegetation Cover:</u> - Maintain more than 90% of area outside creeks vegetated. <u>Vegetation Structure: Typical Species and Sub-Communities:</u> - Maintain range of	No significant change in Vegetation Composition.	Yes: A pollution event impacting the water quality of habitats downstream could cause a significant change to the natural vegetation composition of these habitats depending on the species tolerance to pollution. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above.

	sub-communities with characteristic species listed in Saltmarsh Monitoring Project (McCorry & Ryle, 2009) <u>Vegetation</u> <u>Structure: Negative Indicator Species –</u> <u>Spartina anglica:</u> - No significant expansion of Spartina. No new sites for this species and an annual spread of less than 1% where it is already known to occur.		
Otters	Conservation Objective: <i>To restore the favourable conservation condition of Otter in Lough Swilly SAC, which is defined by the following list of attributes and targets:</i> Targets: Distribution: No significant decline.	No significant change in Distribution of Otter Species.	No: The Proposed Development will not result in a change of distribution.

	Extent of terrestrial habitat: no significant decline. Area mapped and calculated as 95.7 ha above high water mark (HWM); 44.0 ha along river banks/ around pools.	No decline in Terrestrial Habitat.	No. The Proposed Development will not result in the loss of any habitat.
	Extent of marine habitat: No significant decline. Area mapped and calculated as 839.5ha.	No decline in Marine Habitat.	No. The Proposed Development will not result in the loss of any habitat.
	Extent of freshwater (river) habitat: No significant decline. Length mapped and calculated as 15.5 km.	No decline in (River) Habitat.	No. The Proposed Development will not result in the loss of any habitat.
	Extent of freshwater (lake/lagoon) habitat: No significant decline. Area mapped and calculated as 83.7 ha.	No decline in Freshwater (lake/lagoon) Habitat.	No. The Proposed Development will not result in the loss of any habitat.
	Couching sites and holts: No significant Decline.	No significant decline in Couching Sites and Holts.	No. The Proposed Development will not result in the loss of any couching sites or holts.
	Fish biomass available: No significant Decline.	No significant decline in the availability of Fish Biomass.	Yes. A pollution event impacting the water quality of Habitats downstream could cause a significant change to the fish biomass. <u>Mitigation Measures:</u>

			See Mitigation Measures (Summary) as outlined further above.
	Barriers to connectivity: no significant increase.	No significant increase in Barriers to Connectivity.	No. The Proposed Development will not create any barriers to connectivity.

Lough Swilly SPA (Site Code: 004075):

Summary of Key issues that could give rise to adverse effects:

- (i) **Water Quality Degradation (Construction and Operation)**
- (ii) **Habitat Degradation**
- (iii) **Downstream Impacts**

See Table 6.2 in NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes	Potential adverse effects	Mitigation measures (summary) (Please see Section 6.5 of submitted NIS for full details)
Wetland and Waterbirds	Conservation Objective: <i>To maintain the favourable conservation condition of the wetland habitat in Lough Swilly SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attributes and targets:</i> <u>Target:</u>	Habitat Area: No significant Delcine in Habitat Area.	Yes. A pollution event impacting on freshwater, intertidal, estuarine or marine habitat downstream of the proposed works could reduce the amount of suitable habitat for QI birds. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.

	Habitat Area: The permanent area occupied by the wetland habitat is stable and not significantly less than the area of 4,162, 2,419, 201 and 317 hectares for subtidal and lagoon (and associated) habitats respectively, other than occurring from natural patterns of variation, See Map 7.		
Great Crested Grebe (<i>Podiceps cristatus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Great Crested Grebe in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population trend: Long term population trend stable or increasing.	Population Trend: No long term population decline.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from	Distribution: No significant change in range or number of birds gathering in a particular area other than from natural patterns.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u>

	natural patterns of variation.		See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Grey Heron (<i>Ardea cinerea</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Grey Heron in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns of variation.	Distribution: No significant change in range or number of birds gathering in a particular area.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Whooper Swan (<i>Cygnus cygnus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of</i>	Population trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term,

	<i>Whooper Swan in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population trend: Long term population trend stable or increasing.		there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: No significant decrease in the numbers or range of areas used by waterbird species, other than that occurring from natural patterns or variation.	Distribution: No significant change in range or number of birds gathering in a particular area other than from natural patterns.	No. Due to the fact that Whooper Swan relies on agricultural land within the SPA which will not be affected by pollution, there is no potential for the Proposed Development to cause a change to the distribution of this bird species.
Greenland White-Fronted Goose (<i>Anser albifrons flavirostris</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Greenland White-fronted Goose in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Long term population trend stable or increasing.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of bird species.

	Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant change in range or number of birds gathering in a particular area.	No. Due to the fact that Greenland White-fronted Goose relies on agricultural land within the SPA which will not be affected by pollution, there is no potential for the Proposed Development to cause a change to the distribution of this bird species.
Greylag Goose (<i>Anser anser</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Greylag Goose in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> Target: Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	Target: Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	No. Due to the fact that Greylag Goose relies on agricultural land within the SPA which will not be affected by pollution, there is no potential for the Proposed Development to cause a change to the distribution of this bird species.
Shelduck (<i>Tadorna tadorna</i>)	Conservation Objective: <i>To maintain the favourable conservation</i>	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction

	<i>condition of Shelduck in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.		would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Wigeon (<i>Anas Penelope</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Wigeon in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u>	Distribution: No significant	Yes. A pollution event impacting suitable

	Distribution: Number and range of Areas used by Waterbirds.	decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Teal (<i>Anas crecca</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Teal in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of bird this species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.

Mallard (<i>Anas platyrhynchos</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Mallard in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Shoveler (<i>Anas clypeata</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Shoveler in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i>	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.

	<u>Target:</u> Population Trend: Percentage change.		
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Scaup (<i>Aythya marila</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Scaup in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u>

		natural patterns and variation.	See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Goldeneye (<i>Bucephala clangula</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Goldeneye in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Red Breasted Merganser (<i>Mergus serrator</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Red</i>	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction

	<i>Breasted Merganser in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.		would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Coot (<i>Fulica atra</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Coot in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u>	Distribution: No significant decrease in	Yes. A pollution event impacting suitable habitat downstream

	Distribution: Number and range of Areas used by Waterbirds.	numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Oystercatcher (<i>Haematopus ostralegus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Oystercatcher in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.

Knot (<i>Calidris canutus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Knot in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Dunlin (<i>Calidris alpina</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Dunlin in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u>	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.

	Population Trend: Percentage change.		
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Curlew (<i>Numenius arquata</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Curlew in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary)

			as outlined further above for Lough Swilly SAC.
Redshank (<i>Tringa tetanus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Redshank in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Greenshank (<i>Tringa nebularia</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Greenshank in Lough Swilly SPA, which is defined by the following list of</i>	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term there is no potential for the Proposed Development to cause a significant decline in the

	<i>attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.		number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other than that occurring from natural patterns and variation.	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of this bird species within the SPA. <u>Mitigation Measures:</u> See Mitigation Measures (Summary) as outlined further above for Lough Swilly SAC.
Black-headed Gull (<i>Chroicocephalus ridibundus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Black-Headed Gull in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Breeding Population Abundance: Number of Apparently Occupied nests (AONs)	Breeding Population Abundance: No significant decline in the number of Apparently occupied nests (AONs).	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.

	<u>Target:</u> Productivity Rate: Mean number of Fledged young per breeding pair	Productivity Rate: No significant decline in mean number.	No. Due to the large expanse of foraging habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number, location and area (hectares) of Breeding Colonies.	Distribution: No significant decline in number; location; area	No. As the breeding range is terrestrial there is no potential for pollution from the Proposed Development to cause a significant change in the breeding range of this bird species.
Common Gull (<i>Larus canus</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Common Gull in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Population Trend: Percentage change.	Population Trend: No significant decline in Population.	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird	Yes. A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of

		species, other than that occurring from natural patterns and variation.	this bird species within the SPA.
Sandwich Tern (<i>Sterna sandvicensis</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Sandwich Tern in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Breeding Population Abundance: Number of apparently occupied nests (AONs)	Breeding Population Abundance: No significant decline in the number of Apparently occupied nests (AONs).	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Productivity Rate: Mean number of fledged young per breeding pair	Productivity Rate: No significant decline in mean number.	No. Due to the large expanse of foraging habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Distribution: Number and range of Areas used by Waterbirds.	Distribution: No significant decrease in numbers or range of areas used by the waterbird species, other	No. As the breeding range is terrestrial and on Inch Island in the middle of the Lough, due to the distance from the Proposed Development there is no potential for

		than that occurring from natural patterns and variation.	pollution from the Proposed Development to cause a significant change in the breeding range of this bird species.
Common Tern (<i>Sterna hirundo</i>)	Conservation Objective: <i>To maintain the favourable conservation condition of Common Tern in Lough Swilly SPA, which is defined by the following list of attributes and targets:</i> <u>Target:</u> Breeding Population Abundance: Mean number of apparently occupied nests (AONs)	Breeding Population Abundance: No significant decline in the number of Apparently occupied nests (AONs).	No. Due to the large expanse of habitat present and the bird species high mobility any pollution event during construction would be short-term, there is no potential for the Proposed Development to cause a significant decline in the number of this bird species.
	<u>Target:</u> Productivity Rate: Number of Fledged young per breeding pair	Productivity Rate: No significant decline in mean number.	No. Due to the large expanse of foraging habitat present and the bird species high mobility any pollution event during construction impacting foraging habitat would be short-term, there is no potential for the Proposed Development to cause a significant decline in the productivity of this bird species.
	<u>Target:</u> Distribution:	Distribution: No significant decline in number; location; area	No. As the breeding range is terrestrial there is no potential for pollution from the

	Number, location and area (hectares) of Breeding Colonies.		Proposed Development to cause a significant change in the breeding range of this bird species.
The above table is based on the documentation and information provided on the appeal file and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests. The mitigation measures are considered to be generally applicable in the protection of the above-named European Sites so as to ensure the conservation status of these habitats will remain unchanged. I further note that the subject site, due to its setting, would be unlikely to result in significant impacts such as direct disturbance or damage to the habitat of the listed bird species but that measures in terms of construction works, noise/dust and emissions have been outlined as part of the mitigation measures in the NIS.			
Assessment of issues that could give rise to adverse effects view of conservation objectives of the abovenamed SAC and SPA. (i) Water Quality Degradation (Construction and Operation) During the Construction and Operational Phase of the proposed development there is potential for a Likely Significant Effect from the Proposed Development on Annex I Habitats (including Estuaries and Atlantic salt) and Annex II Species (including Otter), in Lough Swilly SAC. Sediment laden and / or chemically polluted surface water runoff from earthworks occurring near ditches or during instream works to install a temporary culvert, ditch realignment and digging trenches for underground cables, have the potential to cause a pollution event that may affect estuaries and Atlantic salt meadows which are hydrologically connected 2.8km downstream of the Proposed Development. Given the hydrological link from the Proposed Development to Lough Swilly SPA there is potential, in the absence of mitigation, for direct effects from a pollution event (e.g. changes in water quality) impacting on QI habitats.			

(ii) Potential Habitat Degradation

A pollution event impacting the water quality of habitats downstream could cause a significant change to the natural vegetation structure of these habitats depending on the species tolerance to pollution.

A pollution event impacting on freshwater, intertidal, estuarine or marine habitat downstream of the proposed works could reduce the amount of suitable habitat for QI birds.

A pollution event impacting suitable habitat downstream could cause a significant change in the distribution or range of certain bird species within the SPA.

(iii) Downstream Impacts

A potential pollution event impacting estuarine habitats downstream could potentially cause a significant change to the natural condition and distribution of the associated communities depending on the species tolerance to pollution.

A pollution event impacting the water quality of Habitats downstream could cause a significant change to the fish biomass.

A potential pollution event could affect fish populations and indirectly impact otter through reduced prey availability.

Mitigation measures and conditions

I note that the focus of proposed mitigation measures during construction phase are guided at preventing ingress of pollutants and silt into surface water on-site and the receiving watercourse. The measures will be achieved via design, supervision by an Ecological Clerk of Works Ecologist, Pre-Construction Surveys, application of specific mitigation measures.

Mitigation measures include the following:

- A suitably qualified and experienced **Ecological Clerk of Works (ECoW)** shall be appointed by the Applicant/ Developer prior to the commencement

of development. The ECoW shall be retained during sensitive site works. Where sensitive habitats or species could be impacted, the ECoW will be on site to implement and oversee all mitigation measures set out further below.

- Silt fencing used to mitigate the potential impacts from pollution and will be suitably maintained.
- The Applicant proposes to use standard industry guidance (Construction Industry Research and Information (CIRIA)) to supplement any contractual requirements for the Proposed Development.
- **Pre-Construction Surveys:** The Applicant proposes that in advance of enabling works, the appointed contractor's ECoW will complete preconstruction confirmatory surveys of selected ecological features whose distribution is dynamic over time, and which are known to have potential to occur within the Zol of the Proposed Development. These will include:
 - Otter breeding/resting sites within the Zol of the Planning Application Boundary (minimum 150m from water crossings, noting that guidance recommends 20m for non-breeding sites); and
 - Invasive species within the Zol of the Proposed Development. Invasive species surveys will be carried out having regard to TII guidance. Survey period April to September inclusive.
- **Construction and Environmental Management Plan (CEMP):** The Applicant proposes a series of Mitigation Measures and proposed to incorporate same into the Contractor's Construction and Environmental Management Plan (CEMP). Mitigation measures with respect to accidental pollution are focused on prevention and safeguarding the approach to the storage and handling of materials and managing vehicles during the temporary refurbishment works.
- The Applicant proposes to implement a series measures on site for the storage of materials, the use of spill kits, the prevention of spills from site vehicles and machinery, including from equipment containing small quantities of hazard substances (for example, chainsaws and jerry cans).

- A storage area for surplus soil material will be designed and managed to prevent deterioration of the materials and their escape (via surface run off or wind blow).
- **Silt fencing** will be installed along watercourses adjacent to access tracks and where foundation works are proposed. Double silt fencing may be required in some instances including areas where concrete pouring is to be undertaken and where there is a risk to European sites. Amphibian-proof fencing will be placed in certain locations along the existing Drainage Ditches 1 and 2 as well as along the newly formed drainage ditch along the new hardstanding after Drainage Ditch 1 has been diverted.
- During the instream works to divert the drainage ditch on the southern boundary, silt fencing will be placed where it connects to the drainage ditch along the western boundary.
- During the installation of the culverts along the temporary access road, silt fencing will be placed in the ditch before it enters the conifer plantation to the north.
- Silt fencing may be placed in the drainage ditch on the western boundary and in the drainage ditch on the southern boundary where it connects to the western drainage ditch in case of unforeseen heavy rainfall events which may cause surface water run-off.
- For Land within the Planning Application Boundary which will not be permanently acquired and therefore not included within the Eco-Landscape Mitigation Plan (Appendix H of the PECR), the Applicant proposes a series of measures which include fencing, the managed reinstatement and restoration of the land to its baseline condition, the managed spreading of subsoil and later topsoil, the managed stockpiling of topsoil, managed topsoil spreading and reseeding, the avoidance of use of chemical fertilisers within 2m of any watercourse, and 5m in the case of organic fertilisers (10m in the case of where the slope towards watercourse is >10%). If it deemed necessary by the ECoW, seeded coir matting along the drainage ditches will be used to prevent sediment scour. As part of the CEMP there will be a

toolbox talk given to all site personnel to highlight any environmental sensitivities and the potential pathway (hydrological connection via field drain) to the Lough Swilly SAC and Lough Swilly SPA.

- Land within the Planning Application Boundary to be permanently acquired will be reinstated and enhanced to include a new woodland, meadow habitat and hedgerows, with existing hedgerows separating the acquired land and land not permanently acquired being bolstered where needed. If it deemed necessary by the ECoW, seeded coir matting along the drainage ditches will be used to prevent sediment scour and as part of the CEMP there will be a toolbox talk given to all site personnel to highlight any environmental sensitivities and the potential pathway (hydrological connection via field drain) to the Lough Swilly SAC and Lough Swilly SPA. Further details are provided within the Eco-Landscape Mitigation Plan (Appendix H of the PECR).

It is my view that the above are best practice standard construction management and surface water management measures which have not been designed or intended to avoid or reduce any harmful effects of the project on a European Site. The measures are otherwise incorporated into the applicant's Construction Environmental Management Plan (CEMP) and other elements of the documentation/drawings submitted with the file, and I do not consider that they include any specific measures that would be uncommon for a project of this nature.

I am also satisfied that preventative measures are aimed at interrupting the source-pathway-receptor are targeted at key threats to qualifying interests of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075). Moreover, by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

In terms of combination/ cumulative effects of the proposed development with other known plans or developments in the vicinity of the site, I have conducted a search of the Donegal County Council planning website for other developments in the vicinity of the proposed development. I note the site boundary of the proposed TEN-T Priority

Route Road Improvement Project lies to the immediate north of the subject appeal site, see Case Ref. No. ACP-324272-26 which is currently before the Commission (decision due by 12th November 2026).

I am satisfied that in-combination effects have been assessed adequately in the NIS.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures, the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of the above-mentioned European sites.

Based on the information provided with the appeal file, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water as well as entry of pollutants, such as hydrocarbons, to the nearby watercourse. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented.

Reasonable scientific doubt

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

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075). Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS, all associated material submitted and taking into account any observations/submissions received, I consider that adverse effects on site integrity of the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Lough Swilly SAC (Site Code: 002287) and the Lough Swilly SPA (Site Code: 004075) or prevent or delay the restoration of favourable conservation condition of species.
- Effectiveness of mitigation measures proposed.
- Application of planning condition in respect of the implementation of all mitigation measures set out in the NIS in the event of a grant of permission.

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