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The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1

13th January 2020

AN BORD PLEANÁLA	
LDG-	023439-20
ABP-	
16 JAN 2020	
Fee: €	220
Type:	Cheque
Time:	—
By:	Reg. Post

Re: Request under Section 5 (3) (a) of the *Planning & Development Act 2000, as amended* referring declaration of exempted development of Cork County Council [Ref: D/303/19] for review by the Board in relation to the proposed development of 220 kV Shunt Reactor apparatus and associated equipment within the existing Ballyvouskill 220/110 kV Electricity Substation in the townland of Caherdowney, Co. Cork approximately 6km south west of Millstreet, County Cork.

Dear Secretary,

EirGrid plc, wishes to refer declaration of exempted development of Cork County Council [Ref: D/303/19] for review by the Board under Section 5 (3) (a) of the *Planning & Development Act 2000, as amended*. The declaration of Cork County Council of 19th December is enclosed [ENCL1].

The proposed development consists of a 220 kV Shunt Reactor apparatus and associated equipment within the existing Ballyvouskill 220/110 kV Electricity Substation in the townland of Caherdowney, Co. Cork approximately 6km south west of Millstreet, County Cork. The application particulars made to Cork County Council are also enclosed [ENCL2].

Cork County Council in declaring that the development is not exempted development, concluded that *"the proposed development goes beyond what can be considered as an amendment to existing apparatus (as per Section 4 (1) (g)). It is considered that the proposed development would involve the introduction of a new device to the site to facilitate a new or additional mechanism/ process on site"*.

EirGrid does not agree with this declaration and considers the development to be exempted development and that the planning authority has misinterpreted the nature and purpose of the planned works. Section 4 (1) (g) 4 (1) (h) does not explicitly prohibit the introduction of new apparatus to existing sites. The development is taking place as part of the statutory undertaker's routine function required to operate transmission infrastructure in safe, secure and reliable manner.

Description of the Site

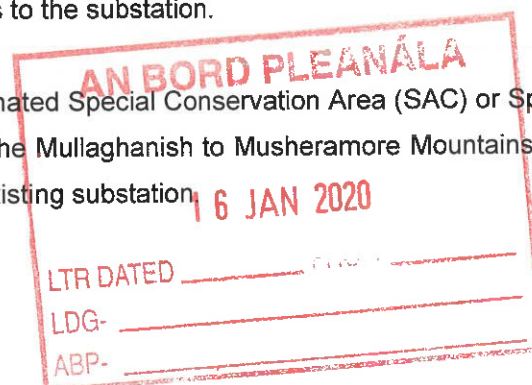
The existing Ballyvouskill 220/110 kV Electricity Substation is located in the townland of Caherdowney, approximately 6km southwest of Millstreet, County Cork (Figure 1). The substation lies within the jurisdiction of Cork County Council. It was developed under a historic Strategic Infrastructure Development (SID) approval, approved by An Bord Pleanála in June 2012 (Ref. PL04.VA0008). The location of the existing substation is illustrated in blue in Figure 1.



Figure 1: Location of Ballyvouskill 220/110 kV substation outlined in blue

The existing substation is bounded by undulating agricultural grassland to the south, west and north. The lands to the immediate east are in use as commercial forestry. Access to the site is via a local road L5226 onto the R582. There are existing overhead line connections to the substation from the east. There are also underground cable connections to the substation.

The site is not located within a European site designated Special Conservation Area (SAC) or Special Protection Area (SPA). The southern boundary of the Mullaghanish to Musheramore Mountains SPA is located approximately 250m to the north of the existing substation.

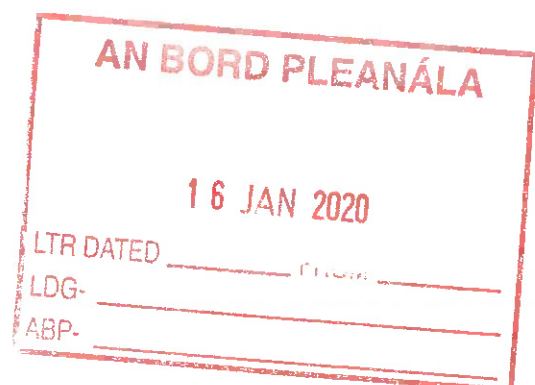


Development Description

The planned development will be located within the centre of the substation, adjacent to existing transmission infrastructure apparatus, and will be of equivalent scale and height as that existing. The planned development (Figure 2) will primarily include:

- A 220 kV Shunt Reactor unit (3 phases), measuring approx. 10m in height, located within an internal compound with a footprint of approx. 13m x 18m (see Figure 2). For the understanding of the Planning Authority, a photo of similar existing apparatus as planned is included in Figure 3.
- An associated lightning monopole approx. 15m in height. This is similar in height to the existing lightning monopoles within the substation compound.
- Associated and ancillary substation apparatus, ranging 7-10m in height, including cable sealing ends, surge arrestor, coupling capacitor, combined CT/VT, post insulator, and all associated cabling within the substation compound.

A shunt reactor (Figure 3) is an apparatus commonly used by statutory undertakers on high-voltage transmission lines and cable systems. In simple terms, the apparatus improves the performance, quality and security of the transmission infrastructure system in an area.



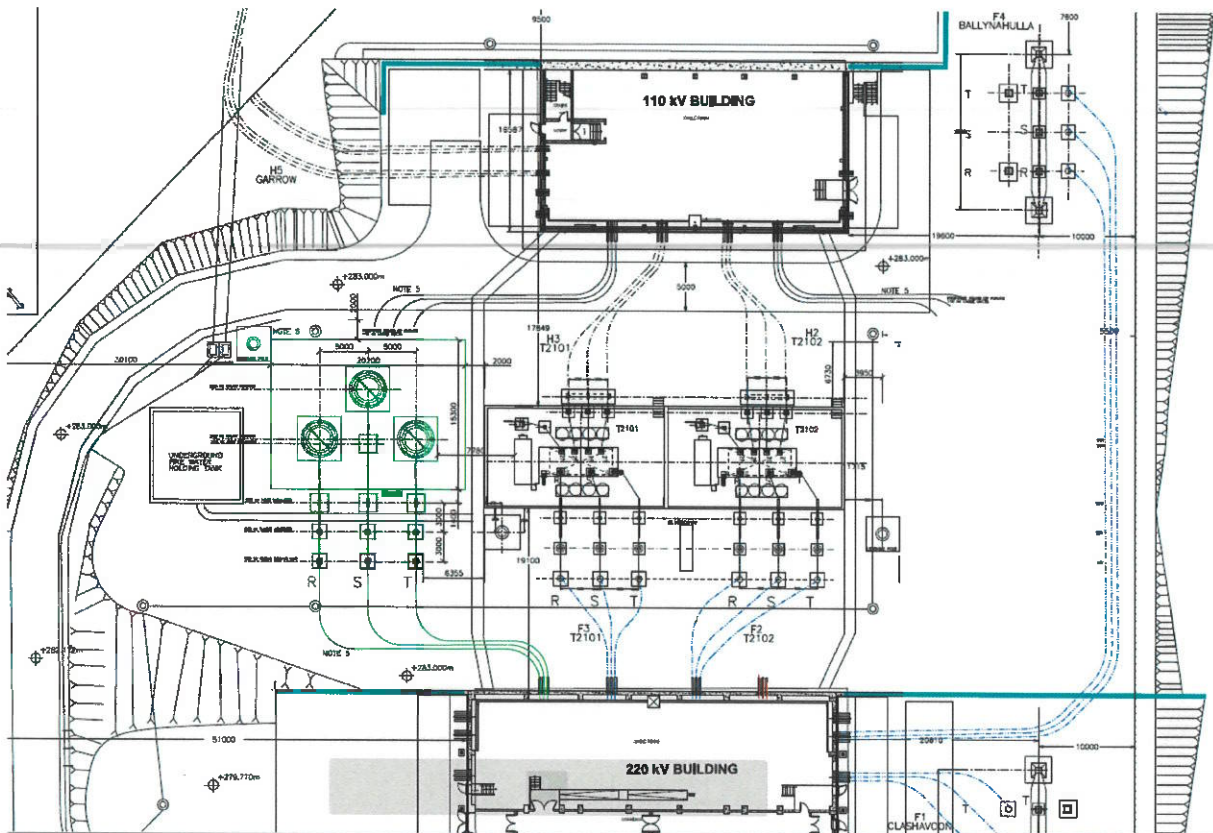


Figure 2: Reactor location within substation. Shunt Reactor comprises the 3no. main circular elements (in green); the lightning monopole comprises the circle within the square (in green) – as per the 2no. existing monopoles (circles within squares) at the centre of the drawing. Associated and ancillary apparatus (in green) shown as squares and cables.



Figure 3: Photo of similar apparatus as planned within an existing substation.

CONFIDENTIAL
16 JAN 2020
 LTR DATED _____ from _____
 LDG- _____ 4

Relevant Exemption and Restrictions

EirGrid consider the proposed development to be exempted development under the following provisions:

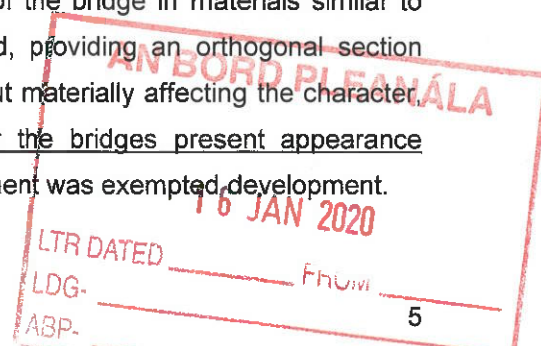
Section 4 (1) (g) development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose;

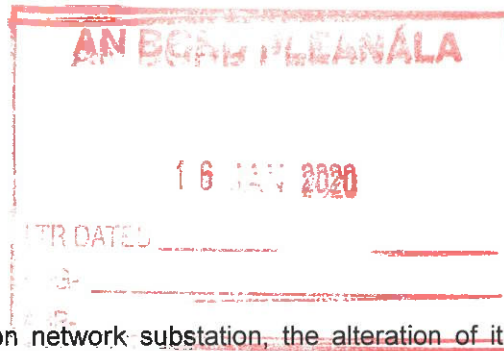
Section 4 (1) (h): development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

This provisions have typically been relied upon to alter and renew substations by way of additional apparatus in accordance with statutory functions. It is important to note that this section provides for altering and renewing transmission apparatus (i.e. substations) – there doesn't necessarily have to be an exact replication of apparatus. These provisions of the Planning Act were introduced specifically to facilitate this type of renewal project where, in planning terms, no material change is taking place.

Section 4 (1) (g) of Act been the tested by various planning authorities and most notably was tested in a Section 5 Application to Kildare County Council (Ref: ED00441) that was subsequently referred to An Bord Pleanála (Ref: RL3080). The declaration of An Bord Pleanála was judicially reviewed in the High Court in the case of Rossmore Properties Ltd & Anor -V- An Bord Pleanála & Ors [2014] IEHC 557. The Board considered that the lines and towers should be addressed as a single renewal project taking place as part of the statutory undertaker's routine function associated with transmission infrastructure maintenance. The Board, in deciding not the accept the inspectors recommendation, also considered that Section 4 (1) (g) of the Planning and Development Act 2000, as amended was introduced specifically to facilitate this type of renewal project where, in planning terms, no material change is taking place. The High Court upheld the decision of An Bord Pleanála in that the construction of new steel electricity pylons in new locations along the route of the Maynooth-Ryebrook 110 kV electricity line at a height of 0.5 to 1.0 metre higher than the existing pylons is exempted development.

Section 4 (1) (h) of Act was most notably was tested in McCabe –V- Coras Iompair Éireann & Anor [2006] IEHC 356. The court considered that the reconstruction of the bridge in materials similar to those of which it was constructed but eliminating the arch and, providing an orthogonal section through the bridge to allow high vehicles to pass in safety, without materially affecting the character, design and external appearance of the bridge did not render the bridges present appearance inconsistent with the character of the bridge and that the development was exempted development.





In the context of the transmission network substation, the alteration of it by way of installation of apparatus within a substation, the question to be asked is not whether there is a difference in appearance, but rather whether the difference is such as to render the external appearance of the structure “inconsistent with the character” of the existing structure, and with the character of adjoining transmission infrastructure.

Notwithstanding the above provision, Section 4(1)(g) and 4(1)(h), Section 4(4) of the Planning and Development 2000, as amended provides :-

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

The requirement for environmental impact assessment or an appropriate assessment is the only restrictions on the exempted development provisions in the Act.

It was concluded by way of Stage 1 Screening for Appropriate Assessment, which was included in the planning particulars and enclosed for your information [ENCL2], that Stage 2 Appropriate Assessment is not required.. Similarly, it was the conclusion of a planning report that Environmental Impact Assessment is not required either. Therefore, these restrictions does not apply

Other provisions of the Planning and Development Acts 2000, as amended allow for orders which could specifically limit or exclude certain exempted development rights – such as those described in Section 4(1)(g) and Section 4(1)(g) of the Act. This includes Part IV [Architectural Heritage] sets out provisions for the protection of architectural heritage features. In this regard, no Areas of Special Planning Control Orders (S.84) are in place at or proximate to the proposed works that would include provisions to limit or exclude certain types of development, such as transmission network infrastructure. Part XIII [Amenities] of the Planning and Development Act 2000, as amended sets out provisions for the preservation, improvement, extension of amenities, and the protection of the landscape. No Landscape Conservation Area (S.204) is proximate to the proposed works could include provisions to limit or exclude certain types of development, such as transmission network infrastructure.

EirGrid is a Statutory Undertaker for the purposes of electricity transmission – this has been confirmed by the High Court in the case of Kilross Properties v An Bord Pleanála. EirGrid plc is licensed by the Commission for Regulation of Utilities as the Transmission System Operator (TSO) in Ireland and also holds an Market Operator (MO) licence for the island of Ireland.

Relevant Precedent

There are several precedent cases established by An Bord Pleanála for similar cases (i.e. additional electrical apparatus within existing substations comprising an alteration of that planning unit and of similar scale), most notably RL3364: Ballydine Substation, Ballydine, Co. Tipperary and RL3316: Kilmagig Upper, Avoca, Co. Wicklow. This is in addition to the powerline uprates referred to above. As the proposed reactor within Ballyvouskill 220/110 kV substation is materially similar to these two precedent cases determined by the An Bord Pleanála, these cases provide solid precedent to confirm the exempted development status of the proposed development. Below is a details list of past precedent, relevant to the subject application.

In planning terms, no material change is taking place at this electrical substation.

Following the installation of this apparatus, it will remain an electrical substation. Similarly the same mechanism/ process (i.e. the transmission and distribution of electricity) will continue on site. There is no additional landtake or extension to the substation compound required. The installation of the apparatus will occur at a portion of the site where the principle of development is well established and is made-ground (hardstanding) ready and expected to host such electrical apparatus.

The scale of the development is not material in the context of the character of the structure or of neighbouring structures. The site is an operational existing electrical substation with adjacent existing structures measuring a maximum of 45 metres (pylons), 20.5 metres (gantries) 16.5 metres (220 kV GIS building), 15m (lightning monopoles) and 10 metres (busbar and transformers). The existing elevation is enclosed for information [ENCL3].

This range of heights needs to be put into context with the proposed development, which includes 15m (lighting monopoles) 10 metres (shunt reactor) all located in the centre of the substation compound. These works do not materially affect the external appearance of the substation so as to render the appearance inconsistent with the character of the substation or of neighbouring apparatus.

Figures 4 and 5 show the elevations of the existing and proposed development.

16 JAN 2020

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Table 1: Relevant Precedent Cases

ABP Ref	PA Ref	Substation	Authority	Declaration query
	P/DC/3/2/15	Galway 110kV Substation	Galway City	Whether modifications within existing substation comprising a new 110 kV transformer is or is not exempted development
RL3364	S5/15/28	Ballydine 110 kV Substation	South Tipperary	Whether modifications within existing substation is or is not exempted development
	11/11E	Ballydine 110 kV Substation	South Tipperary	Whether or not the renewing and altering of existing busbar equipment within the Ballydine 110 kV Substation is or is not exempted development
	D/19/15	Ballylickey 110 kV Substation	Cork	Whether works to the 110 kV Substation at Ballylickey, Co Cork is or is not exempted development.
	P12/171	Bellacorrick 110 kV Substation	Mayo	Whether the renewing and altering of existing busbar equipment within Bellacorrick 110 kV Substation is or is not exempted development.
	FS5W/05/17	Corduff 110 kV Substation	Fingal	Whether or not the development of a new 110 KV cable bay is or is not exempted development.
RL2942	R11-23	Ennis 110kv Substation	Clare	Whether or not the proposed replacement of existing busbar equipment within Ennis 110 kV substation is or is not exempted development.
	SA/S51534	Gormanstown 220 kV Substation	Meath	Whether a new 110 kV line bay at Gorman 220 kV substation in the A2/B2 busbar section and associated works including a new control cabinet is or is not exempted development.
	D297/15	Macroon 110kV Substation	Cork	Whether the installation of a new 110kV cable bay, modifications of existing sectionaliser bay and associated works is or is not exempted development
	KA/S51440	Meath Hill 110 kV Substation	Meath	Whether two no. 5.5 metre high reinforced concrete fire walls to protect existing control building from the spread of fire from the existing transformer at Meath Hill is or is not exempted development.
	0217/15	Ringsend 110 kV Substation	Dublin City	Whether or not modifications works within the existing substation associated with the installation of a new 110 kV cable bay is or is not exempted development
	FS5W/01/17	Corduff 110 kV Station	Fingal	Whether or not a new 110 kV cable bay in existing substation is or is not exempted development
	12/12E	Tipperary 110 kV Station	South Tipperary	Whether the renewing and altering of existing busbar equipment is or is not exempted development
	DEC12/2	Thornsberry 110 kV Substation	Offaly	Whether the replacing of existing busbar equipment in an existing electrical substation at Thornsberry is or is not exempted development
	DEC12/3	Cushaling 110 kV Substation	Offaly	Whether the replacing of existing busbar equipment at Edenderry Power (an electrical power station) is or is not exempted development

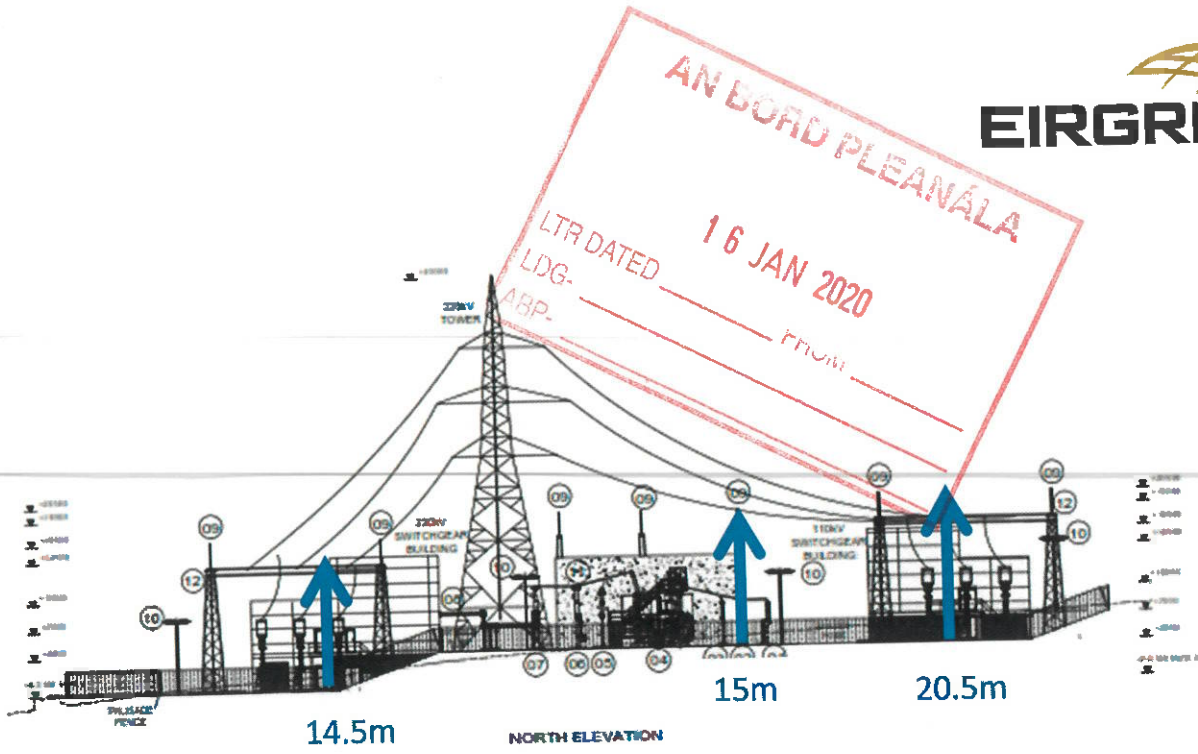


Figure 4: Elevation of existing infrastructure at the site. A reactor will be measure 10m in height.

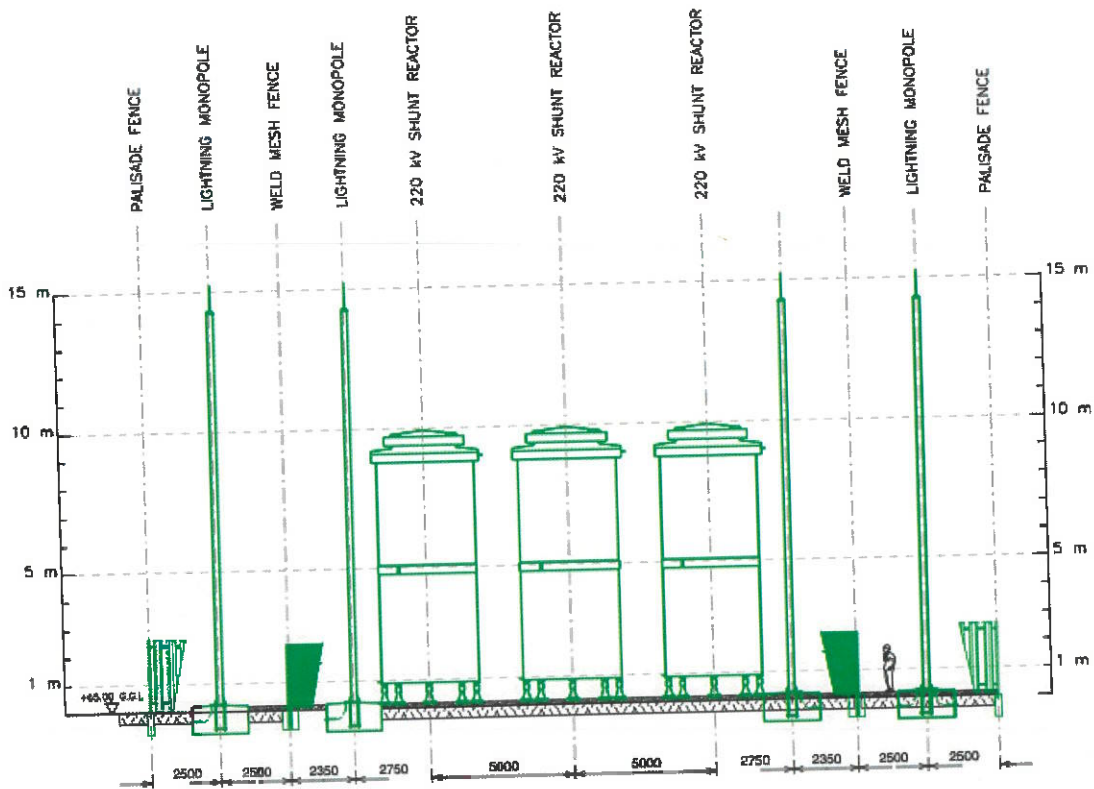


Figure 5: Elevation of proposed apparatus at the site measuring 10m in height

Conclusion

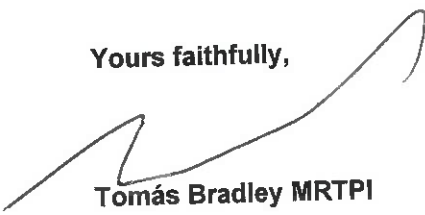
Having regard to the provisions of:

- Section 4(1) (g) and 4 (1) (h) of the Planning and Development Act 2000, as amended and its relevant restrictions;
- Appropriate Assessment Screening Report and Appropriate Assessment Screening Determination [ENCL2];
- Planning and Environmental Impact Assessment Screening Statement [ENCL2];
- the nature and extent of the apparatus and proposed works;
- significant precedent which confirms that the provision of additional infrastructure and apparatus within substations (and indeed in respect of overhead power lines) carried out by a Statutory undertaker in the performance of its routine Statutory functions comprises exempted development.

it is considered that the proposed carrying out, by a statutory undertaker, of works for the purpose of altering the existing Ballyvouskill 220/110 kV substation by means of installing reactor apparatus and associated equipment is development and that the proposed development constitutes exempted development.

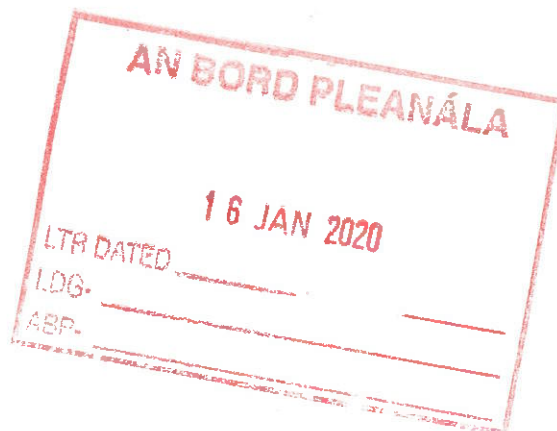
EirGrid looks forward to an acknowledgement from you at your earliest convenience and, subsequently, to early advice on this matter. Should the planning authority have any queries in respect of the documentation, please contact the undersigned. A cheque for €220 is included with this letter.

Yours faithfully,



Tomás Bradley MRTPI
Senior Lead Planner
tomas.bradley@eirgrid.com

Enclosures



ENCL1: Declaration of Cork County Council of 19th December 2019.

ENCL2: Planning Particulars submitted to Cork County Council of 22nd November 2019.

ENCL3: MMD-265923-E-DR-00-XX-1022 & 1023 Existing Substation Site Elevations

ENCLI

Comhairle Contae Chorcaí Cork County Council

EIRGRID PLC
c/o Tomas Bradley
Grid Dev. & Interconnection
The Oval
160 Shelbourne Road
Dublin 4
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19th December, 2019

REF: D/303/19
LOCATION: Existing Ballyvouskill 220/110kV Electrical Substation, Caherdowney, Millstreet,
Co. Cork.

RE: **DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sirs,

On the basis of the information submitted by you on the 22nd November 2019, the Planning Authority; having considered whether the proposal to construct 220kV shunt reactors and associated equipment within the existing Ballyvouskill 220/110kV Electricity Substation at: Caherdowney, Millstreet, Co. Cork is or is not exempted development, has declared that it is not exempted development.

Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- Sections 4(1)(g) of the Planning and Development Act 2001 - 2018 (as amended).
- Article 16 of the Planning and Development Regulations 2001 - 2018 (as amended).
- The planning history of the site and surrounding area.

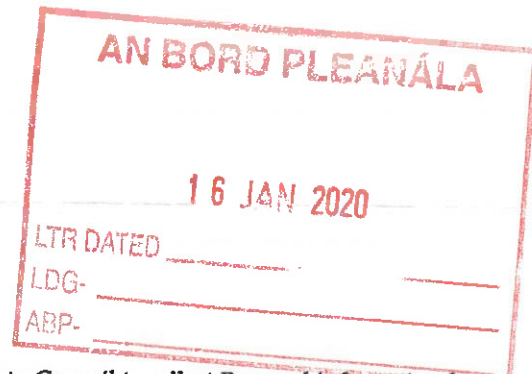
And Whereas the Planning Authority has concluded that:

The proposed development goes beyond what can be considered as an amendment to existing apparatus (as per Section 4 (1) (g)). It is considered that the proposed development would involve the introduction of a new device to the site to facilitate a new or additional mechanism/process on site.

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Yours faithfully,


KEVIN O'REGAN,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT.



In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>



EWCL 2



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Telephone +353 1 677 1700

Email info@eirgrid.com

Planning Dept.
County Hall,
Carrigrohane Road,
Cork, T12 R2NC

21st November 2019

Re: Application under Section 5 of the Planning and Development Act 2000, as amended

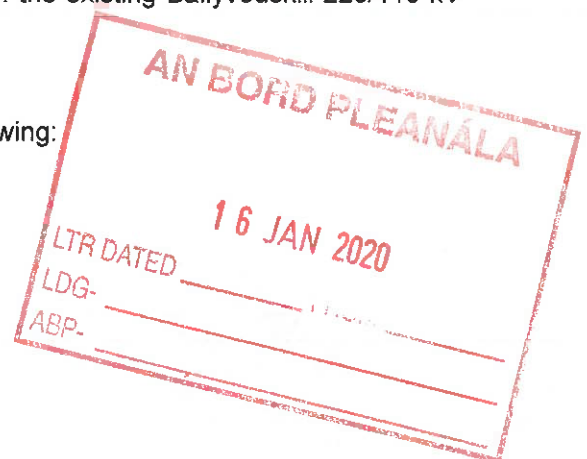
Whether or not the construction of 220 kV Shunt Reactors and associated equipment within the existing Ballyvouskill 220/110 kV Electricity Substation constitutes exempted development. At the existing Ballyvouskill 220/110 kV Electrical Substation in the townland of Caherdowney, Co. Cork approximately 6km south west of Millstreet, County Cork.

Dear Sir/Madam,

EirGrid wishes to make a Declaration Request under Section 5 of the *Planning and Development Act 2000 (as amended)* to determine whether or not the construction of 220 kV Shunt Reactors with associated internal compound and associated equipment within the existing Ballyvouskill 220/110 kV Electricity Substation constitutes exempted development.

This Section 5 Declaration Request is accompanied by the following:

- Application Form for Section 5 Declaration (4 no. copies)
- Exempted Development Planning Report (4 no. copies)
- Appropriate Assessment Screening Report (4 no. copies)
- Drawing Pack (4 no. copies of each)
 - Site Location Plan @ 1:2500
 - Site Layout Plan @ 1:250
- A cheque for €80, being the appropriate fee.





Having regard to the provisions of Section 4(1) of the Planning and Development Act 2000 (as amended), and/or in the alternative Class 16 of Schedule 2 of the Planning and Development Regulations 2001 (as amended), and the supporting document included in this submission, it is considered that the proposed carrying out, by EirGrid and ESB Networks as statutory undertakers, of works for the purpose of altering the existing Ballyvouskill 220/110 kV substation by means of installing reactor equipment and associated equipment is development and that the proposed development constitutes exempted development.

Of course this is a matter for determination by Cork County Council in its capacity as statutory Planning Authority for the area of the subject site.

Should you require any further information, please do not hesitate to contact the undersigned at the contact details provided.

Yours sincerely

Tomás Bradley
Senior Lead Planner
Grid Development and Interconnection





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:**
- 1 No. Copy of Contact Details:**
- 4 No. Copies 6" O.S. Maps:**
- 4 No. Copies 25" O.S. Maps:**
- 4 No. Copies of Site Layout Plan:**
- 4 No. Copies Scaled Drawings of Development:**
- €80 Application Fee:**



FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.

1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)

EirGrid plc.

2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:

Existing Ballyvouskill 220/110 kV Electrical Substation in the townland of Caherdowney, Co. Cork approximately 6km south west of Millstreet, County Cork

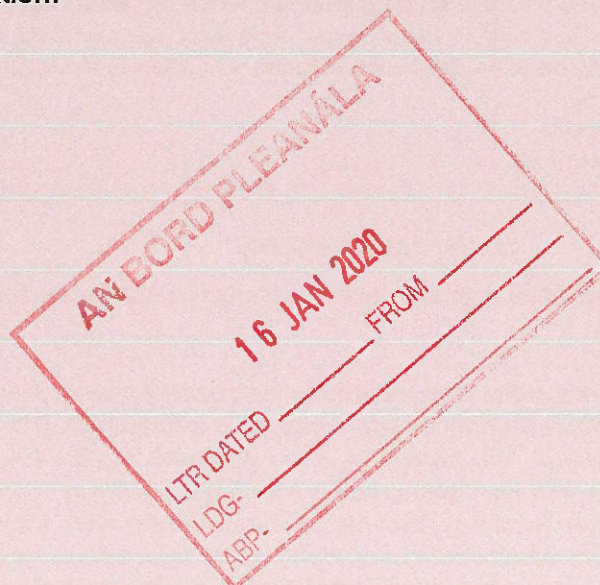
3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought

Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Whether or not the construction of 220 kV Shunt Reactors and associated equipment within the existing Ballyvouskill 220/110 kV Electricity Substation constitutes exempted development under the provisions of Section 4(1)(g) of the Planning and Development Act 2000 (as amended).

See attached Exempted Development Report for details of the proposed development including an assessment of the exempted development provisions in respect of the proposed reactor equipment. An Appropriate Assessment Screening also accompanies this section 5 declaration application.



4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	Not applicable
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use	Proposed use
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/> B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	EirGrid plc are the Transmission System Operator
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	Electricity Supply Board, Two Gateway, East Wall Road, Dublin 3, D03 A995

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 16 JAN 2020
 BOARD PLEANALA

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No

8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

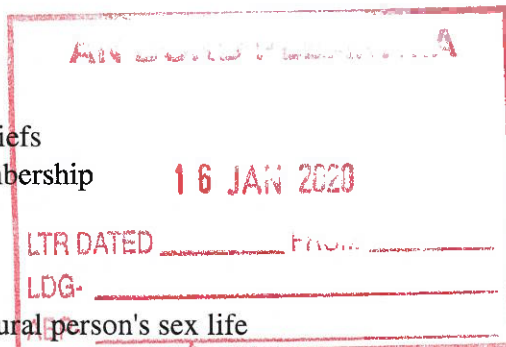
Signed (By Applicant Only)	
Date	

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation



In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	
Date	

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.

ADVISORY NOTES:

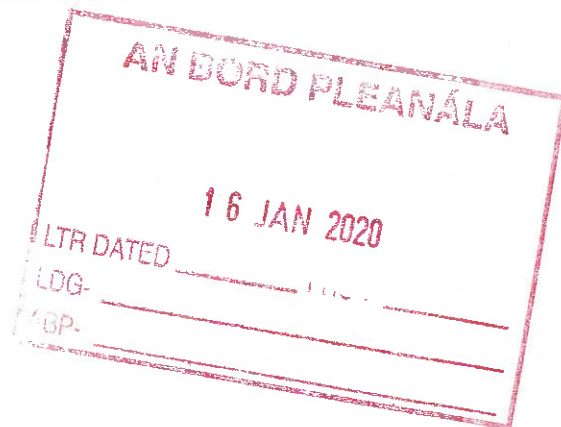
The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
 The application should be sent to the following address:
 The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:

<i>Signed (Applicant or Agent as appropriate)</i>	
Date	



ADDITIONAL CONTACT INFORMATION TO BE SUBMITTED WITH APPLICATION

- The applicant(s) address **must** be submitted on this page.
- **Only one copy of this section of the application form needs to be submitted**

(A) Applicant: (From Question 1 of Application Form)

Address (Required):	C/o Tomás Bradley, Grid Development & Interconnection EirGrid plc, The Oval, 160 Shelbourne Road, Dublin 4, D04 E7K5
Telephone No./Mobile No. (if any):	+353 (0)1 2370743
Email Address (if any):	tomas.bradley@eirgrid.com

(B) Person/Agent acting on behalf of the Applicant (if any):

Name:	
Address:	
Telephone No./Mobile No. (if any):	
Email Address (if any):	
Should all correspondence be sent to the above address? Please tick appropriate box. Yes <input type="checkbox"/> No <input type="checkbox"/>	
(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	

(C) Owner/s (required where applicant is not the owner):

Name:	Electricity Supply Board
Address:	Two Gateway, East Wall Road, Dublin 3, D03 A995
Telephone No./Mobile No. (if any):	+353 (0)1 6765831
Email Address (if any):	corporatecommunications@esb.ie

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application. These details will not be made available to any third party with the exception of An Bord Pleanala for the purpose of administering the appeal.

Fully completed application forms should be submitted to the relevant planning office.

CORK COUNTY COUNCIL

County Hall Office

Planning Dept. TEL: (021) 4276891
County Hall, FAX: (021) 4867007
Carrigrohane Road,
Cork, T12 R2NC

West Cork Planning Office

Norton House, TEL: (028) 40340
Cork Road, FAX: (028) 21660
Skibbereen,
Co. Cork, P81 AT28

WEB ADDRESS: www.corkcoco.ie





Exempted Development Planning Report

CP1077: Ballyvouskill Reactor
November 2019



Document Control

Version History			
Version	Date	Record Of Amendments	Prepared By
V1.0	October 2019	N/A	Bernard Dee
V1.1	November 2019	Final Report	Des Cox



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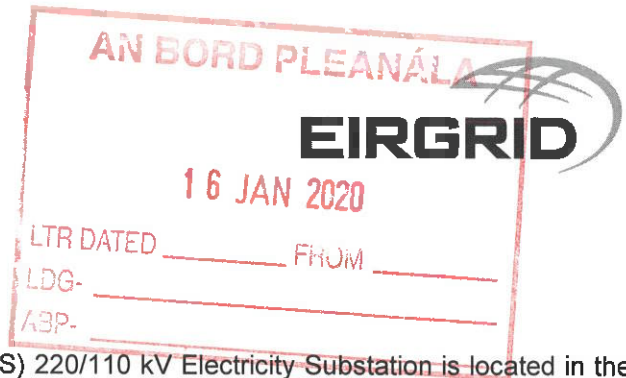
1.0 Introduction

This Report relates to the planned construction of a temporary 220 kV Shunt Reactor and associated equipment, structures and works within the existing Ballyvouskill 220/110 kV Electricity Substation, in the townland of Caherdowney, approximately 6km south west of Millstreet, County Cork.

This Report sets out a description of the planned development and related matters; this substantiates the consideration of EirGrid that the planned development constitutes exempted development, having regard to the provisions of Section 4(1)(g) of the Planning and Development Act 2000 (as amended).

Notwithstanding this consideration, EirGrid is requesting a Statutory Declaration of the Planning Authority – Cork County Council – in this matter, in accordance with Section 5 of the Planning and Development Act 2000 (as amended).





2.0 Location Context

The existing Ballyvouskill Gas Insulated Switchgear (GIS) 220/110 kV Electricity Substation is located in the townland of Caherdowney, approximately 6km southwest of Millstreet, County Cork (Figure 1). The substation lies within the jurisdiction of Cork County Council. It comprises Strategic Infrastructure Development (SID), approved by An Bord Pleanála in June 2012 (Ref. PL04.VA0008).

The location of the existing substation is illustrated in Figure 1.

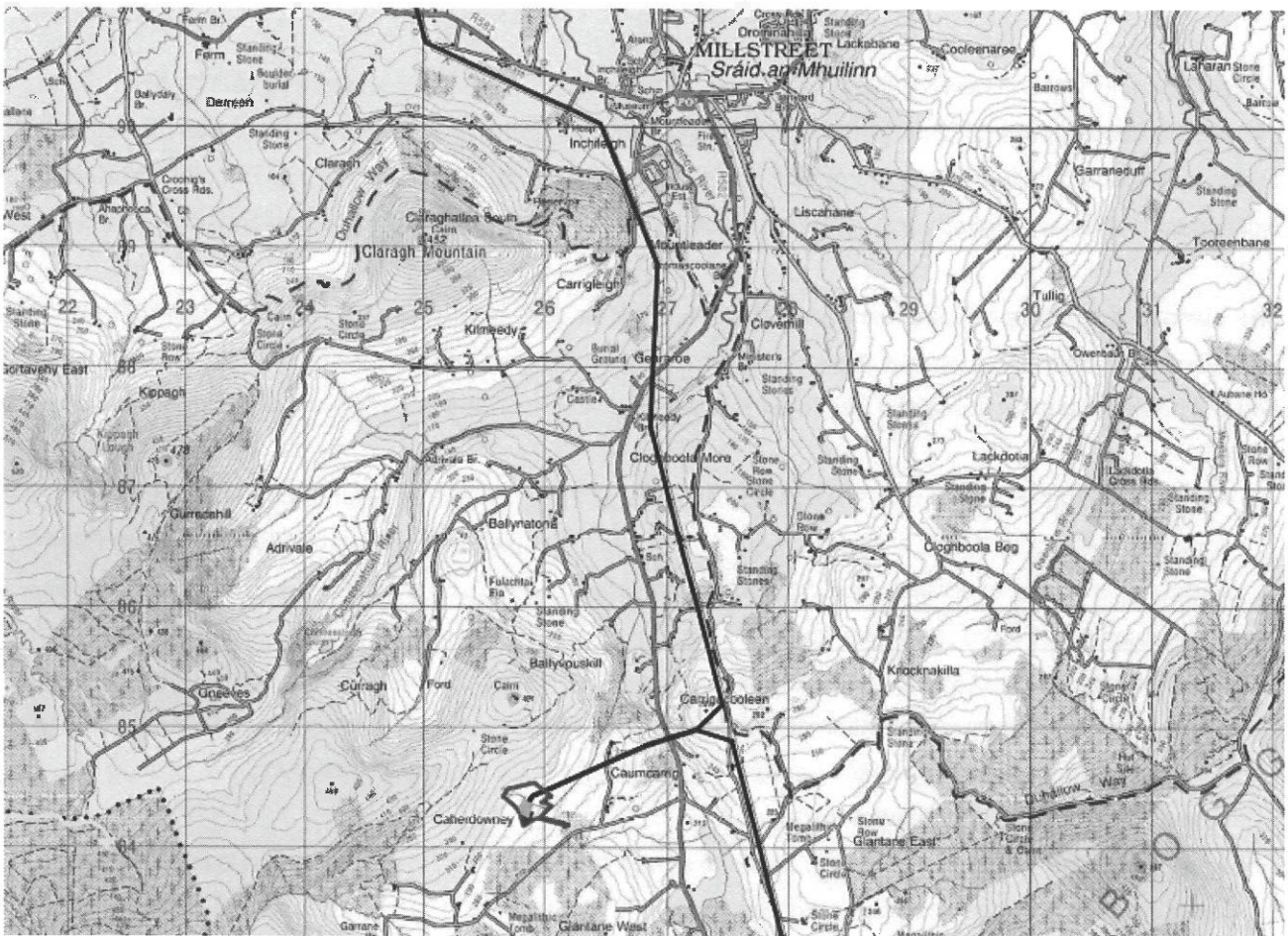


Figure 1: Location of Ballyvouskill 220/110 kV substation

The existing substation is bounded by undulating agricultural grassland to the south, west and north. The lands to the immediate east are in use as commercial forestry. Access to the site is via a local road L5226 onto the R582. There are existing overhead line connections to the substation from the east. There are also underground cable connections to the substation (refer to accompanying Drg. No. DWG-CP-1077-S5-001).

The site is not located within a European site designated Special Conservation Area (SAC) or Special Protection Area (SPA). The southern boundary of the Mullaghanish to Musheramore Mountains SPA is located approximately 250m to the north of the existing substation.

3.0 Development Context

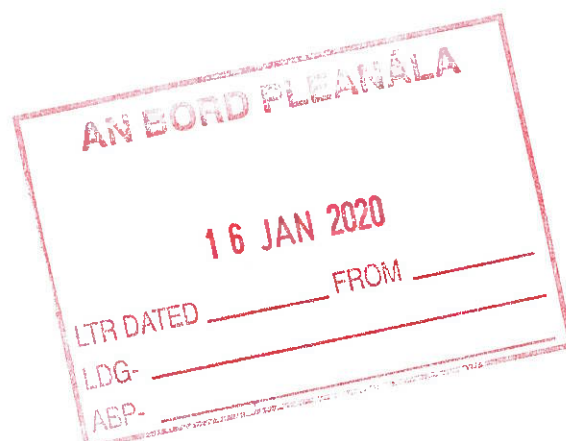
The planned development will consist of the placement of a temporary Shunt Reactor unit within the existing substation. A Shunt Reactor is a device commonly used for reactive power compensation in high-voltage transmission lines and cable systems. In simple terms, the device improves the performance, quality and security of the transmission infrastructure system in an area.

The Planning Authority will understand that the existing transmission grid in the Cork-Kerry area carries a significant volume of renewable energy generation. The existing grid in this region continues to be upgraded by EirGrid and ESB Networks, to meet all existing and forecasted demand.

Under Planning Ref. 18-06438, Permission was Granted by Cork County Council for a 100 Mvar Statcom transformer development. This permitted development will provide a permanent solution for enhanced performance and quality of the grid network in the Cork-Kerry area; the planned Shunt Reactor unit within the existing substation will provide a temporary solution until the permanent Statcom development is operational.

The planned temporary development (identified in green on accompanying Drg. No. DWG-CP-1077-S5-002) will be located within the centre of the substation, adjacent to existing transmission infrastructure equipment, and will be of equivalent scale and height as that existing. The planned development will primarily include:

- A 220 kV Shunt Reactor unit (3 phases), measuring approx. 10m in height, located within an internal compound with a footprint of approx. 13m x 18m (see Figure 2). For the understanding of the Planning Authority, a photo of similar existing infrastructure as planned is included in Figure 3. Also to assist understanding, Figure 4 shows reactor units (bottom left of image) within the existing Poolbeg (Shellybanks) substation, to give an indication of their relatively modest scale (Note that this image shows a pair of reactor units rather than the single unit planned at Ballyvouskill 220/110kV substation).
- An associated lightning monopole approx. 15m in height. This is similar in height to the existing lightning monopoles within the substation compound.
- Associated and ancillary substation apparatus, ranging 7-10m in height, including cable sealing ends, surge arrestor, coupling capacitor, combined CT/VT, post insulator, and all associated cabling within the substation compound.



CP1077: Ballyvouskill Reactor

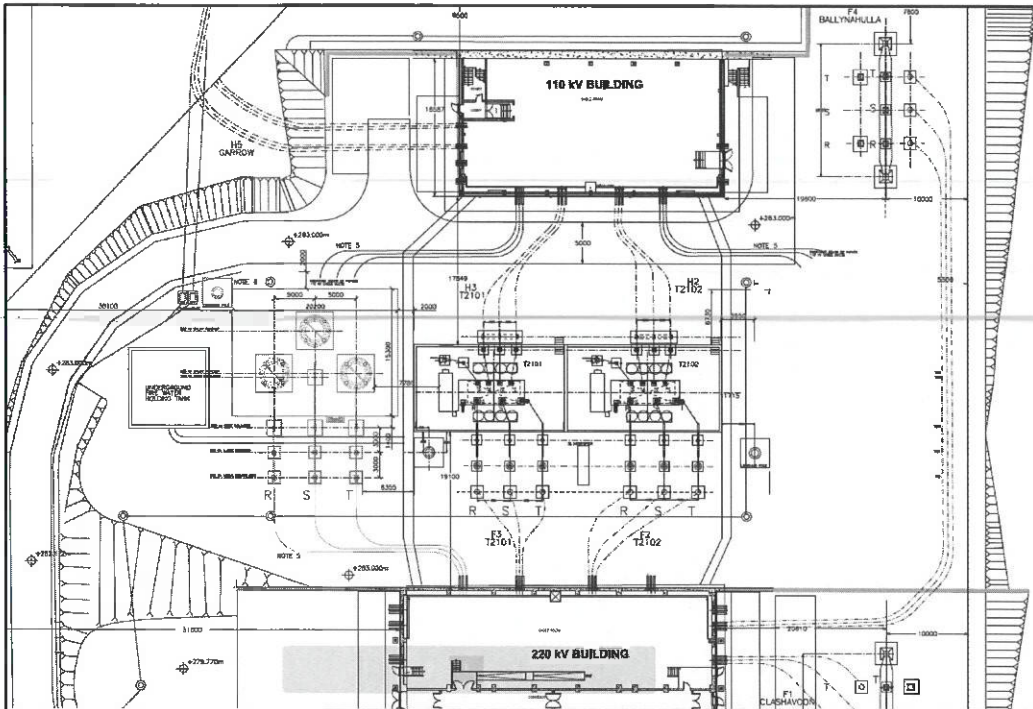


Figure 2: Reactor location within substation. Shunt Reactor comprises the 3no. main circular elements (in green); the lightning monopole comprises the circle within the square (in green) – as per the 2no. existing monopoles (circles within squares) at the centre of the drawing. Associated and ancillary apparatus (in green) shown as squares and cables.



Figure 3: Photo of similar infrastructure as planned within an existing substation.

LTR DATED
 16 JAN 2020
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Figure 4: Image (source Google Maps) of Poolbeg (Shellybanks) substation, and a double set of Shunt Reactor units in bottom left of image

AN BORD PLEANÁLA
16 JAN 2020
LTR DATED _____ FROM _____
LDG- _____
ASP- _____

4.0 Legal Context

The primary statutory instrument for exempted development is the Planning and Development Act 2000, as amended. In this instance, provisions of exempted development arise from Section 4(1) of the Planning and Development 2000, as amended which sets out specific exemptions, the most significant of which for the purposes of this Report relate to development by public authorities and statutory undertakers.

EirGrid is a Statutory Undertaker for the purposes of electricity transmission – this has been confirmed by the High Court in the case of *Kilross Properties v An Bord Pleanála*. EirGrid plc is licensed by the Commission for Regulation of Utilities as the Transmission System Operator (TSO) in Ireland and also holds an Market Operator (MO) licence for the island of Ireland.

Having regard to the description of the planned development set out in Section 3.0, it can be considered under Section 4(1)(g) of the *Planning and Development 2000, as amended*:

Section 4(1)(g) development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires, or other apparatus, including the excavation of any street or other land for that purpose

This provision covers the carrying out of refurbishments, uprates, enhancements and upgrading of existing transmission infrastructure, as well as the carrying out of minor and associated works, in accordance with statutory functions.

The undertaking, comprising alteration of electrical apparatus within an existing substation compound, falls within the scope of works outlined in section 4(1)(g) of the 2000 Act (as amended).

Accordingly, it is EirGrid's consideration that the proposed development comprises exempted development pursuant to Section 4(1)(g) of the Planning and Development Act 2000, as amended.

Notwithstanding the above, Section 4(4)¹ of the *Planning and Development 2000*, as amended provides:-

(4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

¹ Substituted by Environment (Miscellaneous Provisions) Act 2011 (20/2011), s. 17(a)(i) and (b), S.I. No. 474 of 2011, subject to transitional provision in s. 17(2).

CP1077: Ballyvouskill Reactor

As addressed below, it is EirGrid's consideration, based on the advice of its professional Ecologist (please refer to accompanying AA Screening Report), that no issue of AA or EIA arises in this instance.

It is also noted that the planned temporary development could reasonably be considered to comprise exempted development per Class 16 of the Planning and Development Regulations 2001 (as amended), which relates to *"The erection, construction or placing on land on, in, over or under which, or on land adjoining which, development consisting of works (other than mining) is being or is about to be, carried out pursuant to a permission under the Act or as exempted development, of structures, works, plant or machinery needed temporarily in connection with that development during the period in which it is being carried out"*. While somewhat unusual from a conventional planning and development perspective, clearly the planned development involves the construction on land adjoining permitted development (the permitted Statcom development per Planning Ref. 18-06438) of structures needed temporarily in connection with that permitted development while it is being constructed – as noted, the planned reactor units will be required while the permitted Statcom development is being constructed. Following construction and operation of the Statcom development, the temporary reactor unit will no longer be required at the existing substation.

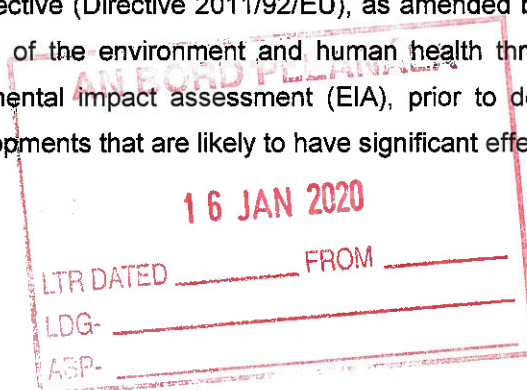
4.1 Appropriate Assessment

Following an examination, analysis and evaluation of the relevant information, including in particular, the nature of the proposed works and their potential relationship with European sites and their conservation objectives, as well as considering other plans and projects, and applying the precautionary principle, it is the professional opinion of the author of the Appropriate Assessment Screening Report that there is no potential for likely significant effects on any European sites. Therefore, it is the professional opinion of the author of the Appropriate Assessment Screening Report that the proposed works do not require an Appropriate Assessment or the preparation of a Natura Impact Statement (NIS). The Appropriate Assessment Screening Report is included in as part of this planning pack.

4.2 Environmental Impact Assessment

The requirement for Environmental Impact Assessment (EIA) has its origins in Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. This Directive has been amended three times and was codified by Directive 2011/92/EU in 2011. Directive 2011/92/EU was then subsequently amended by Directive 2014/52/EU in 2014.

The primary objective of the EIA Directive (Directive 2011/92/EU), as amended by Directive 2014/52/EU, is to ensure a high level of protection of the environment and human health through the establishment of minimum requirements for environmental impact assessment (EIA), prior to development consent being awarded, of public and private developments that are likely to have significant effects on the environment.



CP1077: Ballyvouskill Reactor

In determining the requirement for EIA, the Directive differentiates between the projects that always require EIA and those for which an EIA may be required. These projects are listed in Schedule 5 Part 1 and Part 2 of the Planning and Development Regulations 2001, as amended.

The projects contained in Schedule 5, Part 1 are considered to have significant effects on the environment and require a mandatory EIA. The projects contained in Schedule 5, Part 2 Projects are types where national authorities have to decide whether an EIA is needed.

The proposed reactor apparatus is not a category of development listed in either Part 1 or Part 2 of Schedule 5 and therefore EIA is not required in this instance.

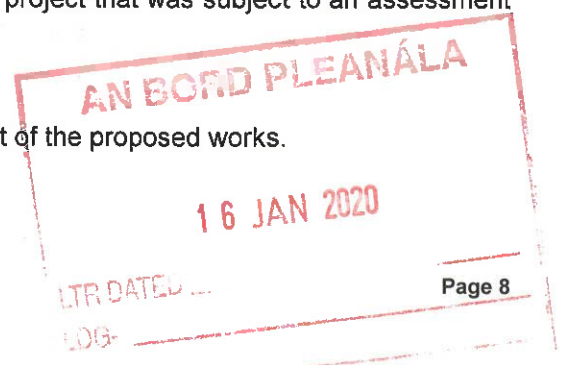
In addition, the works are not such that significant changes or extensions will occur to that already authorised which would result in the development being of a class listed in Part 1 or paragraphs 1 to 13 of Part 2 of Schedule 5.

In addition to the requirements of the Planning Regulations, the following guidance was also considered in the preparation of this screening statement:

- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, Department of Housing, Planning and Local Government, August 2018
- The Planning and Development Acts 2000 to 2018, as amended- and the Planning and Development Regulations 2001 to 2019, as amended;
- Guidance on EIA Screening (Directive 2011/92/EU as amended by 2014/52/EU), European Commission, 2017;
- Draft Guidelines on the Information to be Contained in Environmental Impact Assessment Reports, EPA, Draft, August 2017
- EIA, Guidance for Consent Authorities regarding Sub-Threshold Development, Department of the Environment, Heritage and Local Government, 2003;
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government 2009; and
- The Planning System and Flood Risk Management, Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government and the Office of Public Works, 2009.

It is also considered that *O Grianna & Ors -V- Bord Pleanála 2014/19 JR* does not apply in this instance as the proposed works are currently not an integral part of any other project that was subject to an assessment under the EIA Directive.

In conclusion, it is considered that an EIA is not required in respect of the proposed works.



4.3 Precedent

There are several precedent cases established by An Bord Pleanála for similar cases (i.e. new electrical apparatus within existing substations comprising an alteration of that planning unit), most notably RL3364: Ballydine Substation, Ballydine, Co. Tipperary and RL3316: Kilmagig Upper, Avoca, Co. Wicklow. As the proposed reactor within Ballyvouskill 220/110 kV substation is similar in nature to these two precedent cases determined by the An Bord Pleanála, these cases provide solid precedent to confirm the exempted development status of the proposed development. Below is a details list of past precedent, relevant to the subject application.

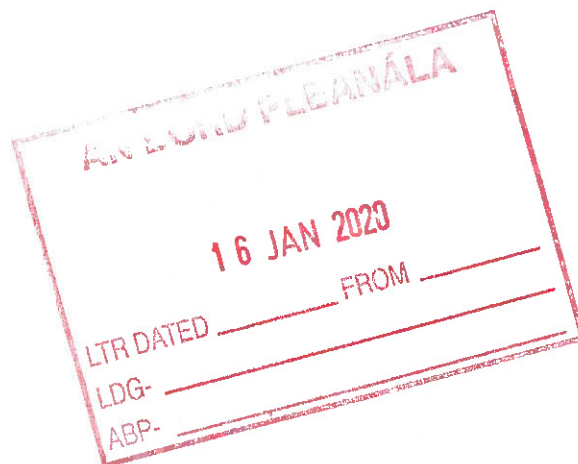
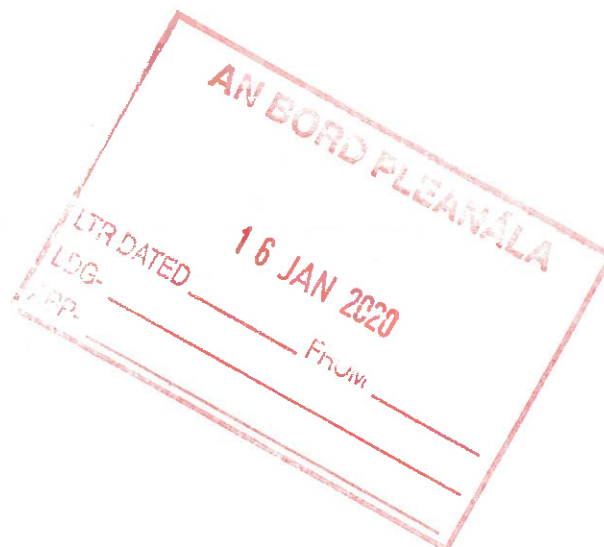


Table 1: Relevant Precedent Cases				
ABP Ref	PA Ref	Substation	Authority	Declaration query
	P/DC/3/2/15	Galway 110kV Substation	Galway City	Whether modifications within existing substation comprising a new 110 kV transformer is or is not exempted development
RL3364	S5/15/28	Ballydine 110 kV Substation	South Tipperary	Whether modifications within existing substation is or is not exempted development
	11/11E	Ballydine 110 kV Substation	South Tipperary	Whether or not the renewing and altering of existing busbar equipment within the Ballydine 110 kV Substation is or is not exempted development
	D/19/15	Ballylickey 110 kV Substation	Cork	Whether works to the 110 kV Substation at Ballylickey, Co Cork is or is not exempted development.
	P12/171	Bellacorrick 110 kV Substation	Mayo	Whether the renewing and altering of existing busbar equipment within Bellacorrick 110 kV Substation is or is not exempted development.
	FS5W/05/17	Corduff 110 kV Substation	Fingal	Whether or not the development of a new 110 KV cable bay is or is not exempted development.
RL2942	R11-23	Ennis 110kv Substation	Clare	Whether or not the proposed replacement of existing busbar equipment within Ennis 110 kV substation is or is not exempted development.
	SA/S51534	Gormanstown 220 kV Substation	Meath	Whether a new 110 kV line bay at Gorman 220 kV substation in the A2/B2 busbar section and associated works including a new control cabinet is or is not exempted development.
	D297/15	Macroom 110kV Substation	Cork	Whether the installation of a new 110kV cable bay, modifications of existing sectionaliser bay and associated works is or is not exempted development
	KA/S51440	Meath Hill 110 kV Substation	Meath	Whether two no. 5.5 metre high reinforced concrete fire walls to protect existing control building from the spread of fire from the existing transformer at Meath Hill is or is not exempted development.
	0217/15	Ringsend 110 kV Substation	Dublin City	Whether or not modifications works within the existing substation associated with the installation of a new 110 kV cable bay is or is not exempted development
	FS5W/01/17	Corduff 110 kV Station	Fingal	Whether or not a new 110 kV cable bay in existing substation is or is not exempted development
	12/12E	Tipperary 110 kV Station	South Tipperary	Whether the renewing and altering of existing busbar equipment is or is not exempted development
	DEC12/2	Thornsberry 110 kV Substation	Offaly	Whether the replacing of existing busbar equipment in an existing electrical substation at Thornsberry is or is not exempted development
	DEC12/3	Cushaling 110 kV Substation	Offaly	Whether the replacing of existing busbar equipment at Edenderry Power (an electrical power station) is or is not exempted development

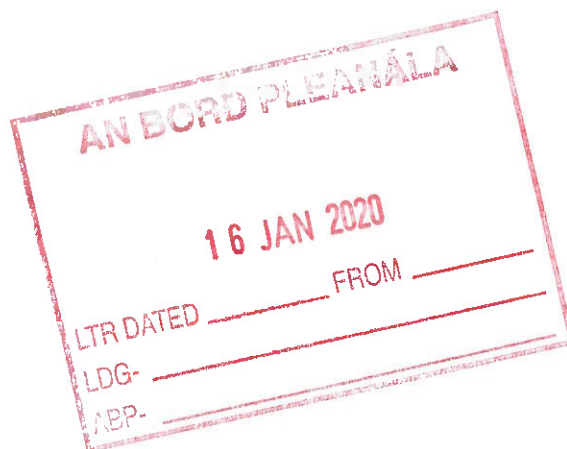


5.0 Conclusion

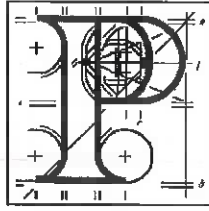
Having regard to the provisions of:

- Section 4(1) of the Planning and Development Act 2000, as amended and its relevant restrictions;
- Appropriate Assessment Screening Report and Appropriate Assessment Screening Determination;
- Environmental Impact Assessment Screening Statement;
- the nature and extent of the proposed works as set out in Section 3.0;

it is considered that the proposed carrying out, by a statutory undertaker, of works for the purpose of altering the existing Ballyvouskill 220/110 kV substation by means of installing reactor equipment and associated equipment is development and that the proposed development constitutes **exempted development**.



An Bord Pleanála

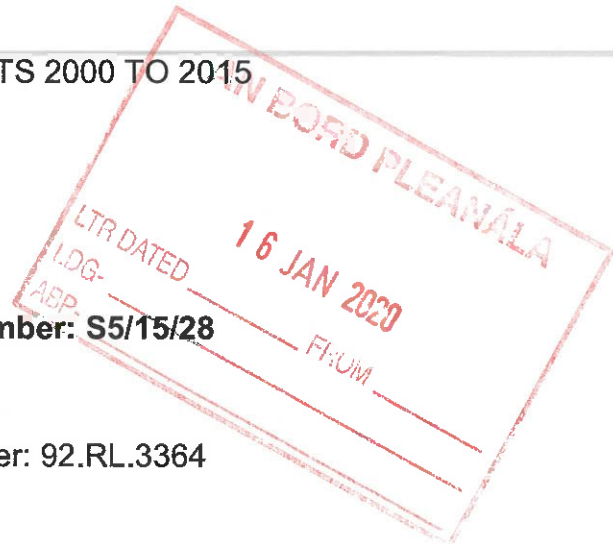


PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Tipperary County

Planning Authority Reference Number: S5/15/28

An Bord Pleanála Reference Number: 92.RL.3364



WHEREAS a question has arisen as to whether modifications within the existing ESB substation consisting of (a) new 38 kV bay and associated equipment bases, busbar disconnecter, 38 kV circuit breaker, CT/VT, line earth disconnecter and cable sealing area, (b) new 110 kV neutral VT and associated base, (c) new arc suppression coil and associated bund, (d) new soakaway to cater for new ASC bund and existing transformer bund drainage, (e) earthgrid works associated with new electrical equipment, and (f) installation of ducting for electrical cables, communication cables and lighting at Ballydine, County Tipperary are or are not development or are or are not exempted development:

AND WHEREAS ESB International of Stephen Court, 18-21 Saint Stephen's Green, Dublin requested a declaration on the said question from Tipperary County Council and the said Council issued a declaration on the 29th day of May, 2015 stating that the said matter is development and is not exempted development:

AND WHEREAS the said ESB International referred the declaration for review to An Bord Pleanála on the 24th day of June, 2015:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4(1)(g) and 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended, and
- (c) the nature and extent of the proposed works:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the proposed development consists of the carrying out by a statutory undertaker of works for the purpose of renewing and altering or removing apparatus and would, therefore, come within the exempted development provisions of section 4(1)(g) of the Planning and Development Act, 2000, and
- (b) the proposed development consists of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures and would, therefore, come within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that modifications within the existing ESB substation consisting of (a) new 38 kV bay and associated equipment bases, busbar disconnector, 38 kV circuit breaker, CT/VT, line earth disconnector and cable sealing area, (b) new 110 kV neutral VT and associated base, (c) new arc suppression coil and associated bund, (d) new soakaway to cater for new ASC bund and existing transformer bund drainage, (e) earthgrid works associated with new electrical equipment, and (f) installation of ducting for electrical cables, communication cables and lighting at Ballydine, County Tipperary are development and are exempted development.

16 JAN 2020
LTR DATED _____ FROM _____
LDG- _____

MATTERS CONSIDERED

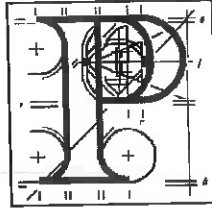
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2015.



An Bord Pleanála

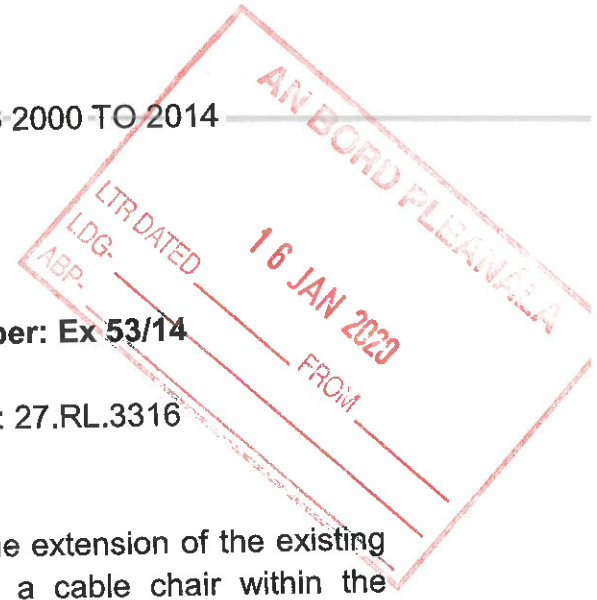


PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Wicklow County

Planning Authority Reference Number: Ex 53/14

An Bord Pleanála Reference Number: 27.RL.3316



WHEREAS a question has arisen as to whether the extension of the existing medium voltage busbar and the construction of a cable chair within the existing Kilmagig 38kV electricity substation at Kilmagig Upper, Avoca, County Wicklow is or is not exempted development:

AND WHEREAS ESB International of Stephen Court, 18-21 Saint Stephen's Green, Dublin requested a declaration on the said question from Wicklow County Council and the said Council issued a declaration on the 8th day of October, 2014 stating that the said matter is development and is not exempted development:

AND WHEREAS the said ESB International referred the declaration for review to An Bord Pleanála on the 4th day of November, 2014:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2, 3 and 4(1)(g) and 4(1)(h) of the Planning and Development Act, 2000, as amended, and
- (b) the limited nature and extent of the proposed works.

AND WHEREAS An Bord Pleanála has concluded that the proposed development consists of the carrying out by a statutory undertaker of works for the purpose of renewing and altering or removing apparatus and would, therefore, come within the exempted development provisions of section 4(1)(g) of the Planning and Development Act, 2000:

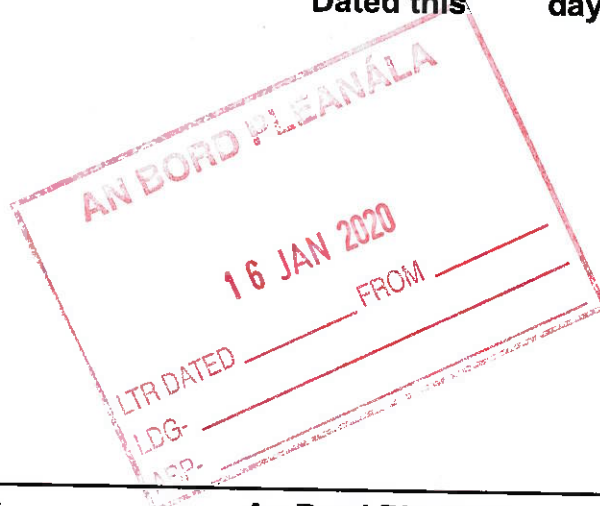
NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that the said extension of the existing medium voltage busbar and construction of a cable chair within the existing 38kV electricity substation at Kilmagig Upper, Avoca, County Wicklow, is exempted development.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this _____ day of _____ 2015.



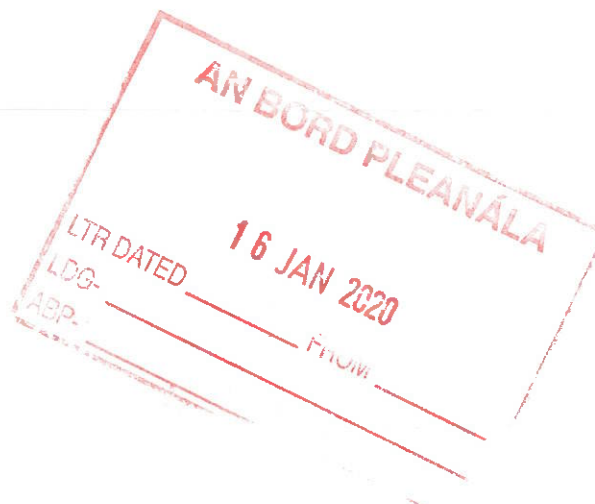


Appropriate Assessment Screening Report

Ballyvouskill Reactor, Co. Cork

Final Report
November 2019

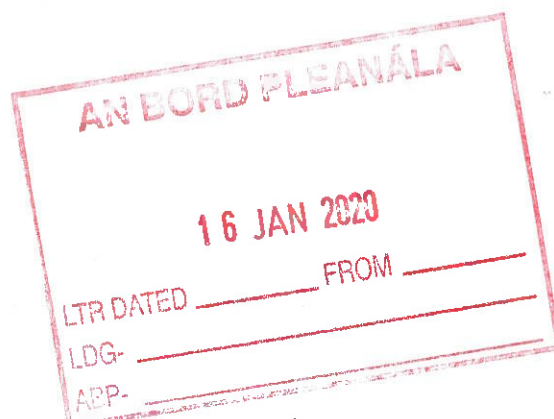
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Appropriate Assessment Screening Report Ballyvouskill Reactor

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1. INTRODUCTION

1.1 Purpose and Structure of this Report

This Appropriate Assessment (AA) Screening report has been produced by EirGrid of the proposed installation of the Ballyvouskill reactor (hereafter the proposed development), in an existing 220/110 kV substation in west Cork. The purpose of the AA Screening is to determine if the proposed development, either alone or in combination with other plans and projects, is likely to have significant effects on a European site in view of the site's conservation objectives.

The Introduction (Section 1) is followed by the Project Description (Section 2), and Methodology (Section 3). The Information required for the AA Screening, which includes a description of the receiving environment is presented in Section 4.

Informed by the content of Section 4, the Assessment of Likely Significant Effects is presented in Section 5. The Conclusion of the AA is presented in Section 6.

1.2 BACKGROUND TO EIRGRID

EirGrid, in its role as the Irish Transmission System Operator is responsible for operating and maintaining a safe, secure, reliable, economical and efficient transmission system, as well as developing key infrastructural projects which are vital for the socio-economic development of the State.

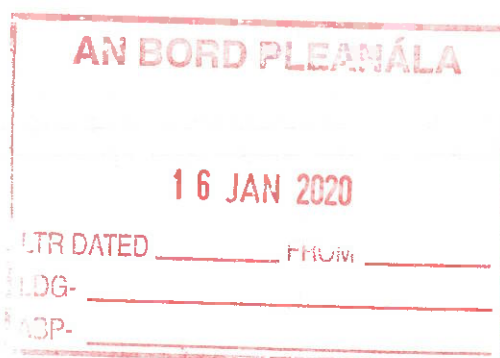
The transmission system is a meshed network of high voltage power lines and cables for the transmission of bulk electricity supplies around Ireland. Known as the National Grid, it is currently made up of over 6,000 km of high voltage lines and cables, comprised of a network of 110 kilovolts (kV), 220 kV and 400 kV. As part of essential infrastructure management, EirGrid is responsible for the planning of line upgrades, refurbishments and general maintenance of this network.

As a Public Authority, EirGrid has defined obligations with regard to Screening for AA essential electrical infrastructure, which does not require planning permission.

This AA Screening Report was prepared by Robert Fennelly, BA Mod (Hons), MSc, CEcol, MCIEEM, Senior Ecologist with EirGrid.

1.3 OVERVIEW OF PROPOSED DEVELOPMENT LOCATION

The existing Ballyvouskill 220/110 kV substation in which the proposed development is located, is in the townland of Ballyvouskill in West Cork, near the Kerry border, and c. 6 km south west of the town of Millstreet, County Cork. The substation lies within the jurisdiction of Cork County Council. The location of the existing substation is illustrated in Figure 1.



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Conservation (SACs) under the EU Habitats Directive and Special Protection Areas (SPAs) designated under the EU Birds Directive, collectively referred to as European sites².

The requirements for an Appropriate Assessment (AA) are set out under Article 6(3) of the Habitats Directive 92/43/EEC which states:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have significant effect thereon, either individually or in combination with other plans or projects, shall be subject to Appropriate Assessment of its implications for the site in view of the sites conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public".

Definitions of conservation status, significance and integrity used in this assessment are defined in accordance with 'Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC' (European Commission, 2018).

- The conservation status of a natural habitat is defined as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species.
- The conservation status of a species is defined as the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population.
- Significant effect should be determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives.
- The integrity of a European site is defined as the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.

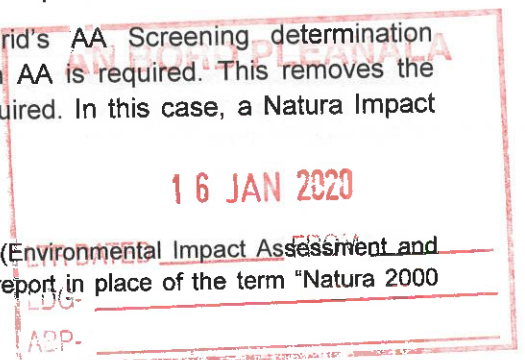
The Habitats Directive was initially transposed into Irish national law in 1997, with the *European Communities (Natural Habitats) Regulations*, SI 94/1997. These Regulations have since been amended by SI 233/1998 & SI 378/2005. The *European Communities (Birds and Natural Habitats) Regulations 2011* as amended (herein 'the Regulations') consolidate the *European Communities (Natural Habitats) Regulations 1997 to 2005* and the *European Communities (Birds and Natural Habitats)(Control of Recreational Activities) Regulations 2010*.

For exempted development projects, under Article 42 of the Regulations (copied below), EirGrid as a Public Authority is required to conduct a Screening for AA for all plans and projects which are not directly connected with or necessary to the management of a European site.

42. (1) A screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority [in this case EirGrid] to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.

For otherwise exempted development projects, where EirGrid's AA Screening determination concludes that likely significant effects cannot be ruled out, an AA is required. This removes the exemption status of the project, and planning permission is required. In this case, a Natura Impact

² "European site" replaced the term "Natura 2000 site" under the EU (Environmental Impact Assessment and Habitats) Regulations 2011 S.I. No. 473 of 2011, and is used in this report in place of the term "Natura 2000 sites" used in the EU Habitats Directive.



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Statement (NIS) would be submitted by or on behalf of EirGrid to the local authority (or An Bord Pleanála on appeal, or for Strategic Infrastructure Development), to determine if the project, either alone or in combination with other plans or projects, would be likely to adversely affect the integrity of any European site(s).

1.5 APPROPRIATE ASSESSMENT PROCESS

A summary of AA Screening and the AA processes are set out below, as per European and Irish departmental guidance (EC 2000, EC 2019 and DoEHLG 2010).

Whilst AA Screening and AA are sometimes respectively referred to as Stages 1 and 2 of the AA process, reference to stages is not used hereafter in this report³.

As will be shown given the conclusion of this AA Screening Report, the mechanism for Imperative Reasons of Overriding Public Interest (IROPI) provided for under Article 6(4) is not relevant to the proposed development, and as such is not detailed in this report.

1.6.1 Screening for Appropriate Assessment

AA Screening must first determine if a plan or project is directly connected to or necessary for the management of a European site. Neither AA Screening nor AA are required where a plan or project is shown to be directly connected to or necessary for the management of a European site.

Where AA Screening is required, AA Screening identifies whether a plan or project, either alone or in combination with other plans or projects, is likely to have significant effects on any European site (s) in view of relevant conservation objectives.

The meaning of the word "likely" in Article 6 (3) has been refined by the Court of Justice of the European Union, who determined that likely means "cannot be excluded on the basis of objective information"⁴.

The meaning of the word "significant" has been examined by the EC (2018) who have stated that: *"The notion of what is 'significant' needs to be interpreted objectively. The significance of effects should be determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives and ecological characteristics"* (p.42).

In the course of AA Screening, one examines the proposed plan or project and the conservation objectives of any European sites that might potentially be affected. The application of mitigation measures cannot be considered when carrying out AA Screening, having regard for recent case law of the CJEU. The method is discussed in greater detail in Section 3.

1.6.2 Appropriate Assessment

Where AA Screening has concluded that likely significant effects on a European site(s) cannot be excluded on the basis of objective evidence, AA is carried out. AA is informed by a NIS produced by or on behalf of the project proponent.

³ Reference to AA Screening as Stage 1 of AA is technically incorrect. AA Screening determines if AA is required, but is not Stage 1 of the AA process. In this way, AA Screening is identical to the role of Screening in the Environmental Impact Assessment process (EIA) wherein EIA Screening determines if EIA is required, but is not Stage 1 of the EIA process.

⁴ The 'Waddenzee' ruling (C-127/02) is an influential judgement of the CJEU which clarified that "likely to have a significant effect" means; specifically that, "if it cannot be excluded on the basis of objective information, that it will have a significant effect on the site" and that unless a significant effect can be objectively ruled-out with certainty, then an effect is 'likely'.

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AA determines whether the plan or project, alone or in combination with other projects or plans, will have adverse effects on the integrity of a European site, and includes any mitigation measures necessary to avoid, reduce or offset negative effects. As AA triggers planning for otherwise exempted development, the competent authority who makes the AA determination changes from the public authority to the local authority. In the case of the proposed development, the AA determination would be carried out by Cork County Council in the first instance, informed by the NIS provided by or on behalf of EirGrid.

Under Section 177T of the Planning and Development Act 2000 as amended ('the Planning Act'), an NIS is defined as:

"A statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites".

Section 177T of the Planning Act states the NIS must "include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites".

Section 177T(7)(b) of the Planning Act states that:

"Where appropriate, a Natura impact report or a Natura impact statement shall include such other information or data as the competent authority considers necessary to enable it to ascertain if the draft Land use plan or proposed development will not affect the integrity of the site".



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2. PROJECT DESCRIPTION

2.1 CONNECTION OF WORKS TO EUROPEAN SITES

This proposed development is not connected with or necessary to the management of any European site.

2.2 DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed development would comprise:

- A 220 kV Shunt Reactor unit (3 phases), measuring approx. 10m in height, located within an internal compound with a footprint of approx. 13m x 18m (see Figure 2). For the understanding of the Planning Authority, a photo of similar existing infrastructure as planned is included in Figure 3. Also to assist understanding, Figure 4 shows reactor units (bottom left of image) within the existing Poolbeg (Shellybanks) substation, to give an indication of their relatively modest scale (Note that this image shows a pair of reactor units rather than the single unit planned at Ballyvouskill 220/110kV substation).
- An associated lightning monopole approx. 15m in height. This is similar in height to the existing lightning monopoles within the substation compound.
- Associated and ancillary substation apparatus, ranging 7-10m in height, including cable sealing ends, surge arrestor, coupling capacitor, combined CT/VT, post insulator, and all associated cabling within the substation compound.

ESB Networks (ESBN), or a Contractor operating on their behalf, would carry out the proposed development.

Access will be via the existing substation access track off the R582.

The following plant and equipment would be likely to be required

- A 13 ton crane or telly handler;
- An excavator to break ground for the civil works;
- Temporary light masts for construction;
- Concrete mixers to pour the proposed plinths;
- Plant transport and support vehicles; and,
- Hand tools.

A maximum of ten contractors would be likely to be present on site at any one time, across cable, civil, and electrical teams.

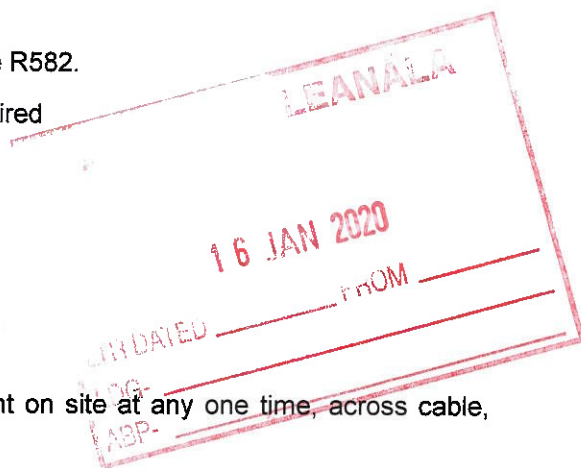
All works (including the temporary site compound) would be confined to the boundary of the existing Ballyvouskill substation.

There would be no requirement for vegetation removal of any kind. The only breaking of ground will be the use of an excavator to dig trenches for the proposed cabling.

2.2.1 Emissions

Surface water during construction would be captured by the existing surface water drainage system, installed at the time the original substation was constructed.

Specifically, following treatment by a combined hydrocarbon and silt interceptor, run-off will be attenuated (with capacity including for fire water retention) prior to discharge to a local drain which



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enters the River Keel downstream, within the Lee, Cork Harbour and Youghal Bay catchment. The existing system discharges surface water to pre-development rates, and would continue to do so following construction of the proposed development given there will be increase in hardstanding area. Water for welfare facilities is currently and will continue to be sourced from a 6,000 litre underground rainwater harvesting tank. Foul water, generated by toilet and canteen facilities, is treated by a proprietary wastewater treatment system prior to discharge to ground via percolation.

Existing noise levels emanating from the existing Gas Insulated Substation (GIS) building within the Ballyvouskill substation will not increase significantly as a result of the proposed development.

2.2.2 Works Sequencing, Programme and Duration

The works sequence will comprise civil works, electrical, and commissioning works. The works are predicted to take a total of four months, including one month of non-intrusive commissioning. No instream works are required.

2.2.3 Operational Phase

During operation, there will be no increase to the existing maintenance regime which currently comprises weekly visits by staff in a single vehicle (transit van or smaller).

There will be no changes to operational lighting (which currently comprises low intensity light masts). There will also be no changes to the drainage system, which has been described under 'Emissions' above.



3. METHODOLOGY

3.1 GUIDANCE

This assessment has been undertaken in accordance with the methodologies recommended in the following guidance documents and relevant and recent case law as it applies to AA Screening:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 revision);
- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2001);
- Communication from the Commission on the precautionary principle (European Commission, 2000); and,
- Managing Natura 2000 Sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. (European Commission, 2018a);

There have been significant changes to AA practice since the last formally published Irish governmental guidance on AA (DoEHLG, 2010) following rulings in European, and Irish courts, and associated changes in statute.

As such, as relevant, the updated EC (2018) guidance is followed in lieu of the 2010 DoEHLG guidance in this NIS, as supplemented by relevant unpublished (online) guidance from the NPWS⁵ (updated to August 2018, at the time of writing).

3.2 SOURCES OF DATA

3.2.1 Consultation

Requests for hen harrier records, particularly those relating to nesting sites, were made to

- The NPWS Research branch;
- The Irish Raptor Study Group (IRSG); and,
- The hen harrier project⁶ funded by the Department of Agriculture, Food and the Marine.

On 7 October 2019, the NPWS Research branch responded as follows:

- Within the entire Mullaghanish to Musheramore Mountains SPA, NPWS hold one record of a successful hen harrier breeding site from the 2015 survey (Ruddock et al. 2016)
- There was no hen harrier nest site recorded within 5 km from the centre of the proposed development site in the last National Survey in 2015 (Ruddock et al.).
- NPWS hold the following records from surveys in previous years:
 - 2010: One sighting at 1-3 km around the site and one sighting at 3-5 km around the site.
 - 2005: One confirmed nest site and five additional sightings at 3-5 km around the site.
 - 1999: One confirmed breeding site at 3-5 km around the site.
- NPWS don't hold any data on disturbance / threats to hen harrier in the area.
- The NPWS cannot provide more precise location information.

On 14th October, the Irish Raptor Study Group responded that they did not have any HH data for a 5 km buffer from the proposed development site.

⁵ Available online at <https://www.npws.ie/development%20consultations>. Accessed October 2019.

⁶ <http://henharrierproject.ie/>

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A response had not been received from the hen harrier project at the time of writing, however all data on the project website was thoroughly reviewed, including hen harrier monitoring reports for 2017 and 2018.

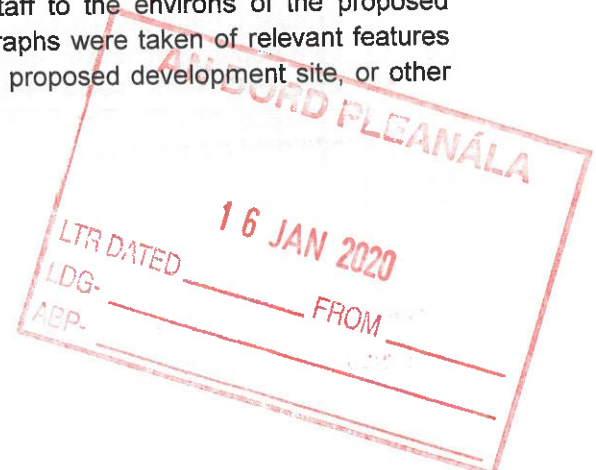
3.2.2 Desktop data

The primary desktop data sources used to inform the assessment (accessed October 2019) are:

- Online data available on European sites and protected habitats/species as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie including conservation objectives documentation;
- Online data available on protected species/habitats as held by the National Biodiversity Data Centre (NBDC) from www.biodiversityireland.ie;
- Information on the surface water network and surface water quality available from www.epa.ie;
- Boundaries for catchments with confirmed or potential freshwater pearl mussel *Margaritifera margaritifera* populations in GIS format available online from the NPWS;
- Information on groundwater resources and groundwater quality available from www.epa.ie and www.gsi.ie;
- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie;
- Information on the proposed development provided by EirGrid, and as detailed in the Exempted Development Report, provided to Cork County Council;
- Information on the existing Ballyvouskill substation and local environs in an AA Screening Report (August 2018) produced for the proposed (consented) STATCOM development (Static Synchronous compensator) produced by Jacobs Engineering on behalf of EirGrid (Planning Application Reference 186438);
- Information on impacts of electrical infrastructure from EirGrid's Evidence-Based Environmental Studies (EirGrid, 2015; 2016a-d), and from guidance from the European Commission (EC, 2018a);
- Information on hen harrier *Circus cyaneus* populations and ecology from peer-reviewed and 'grey' literature (Irwin et al., 2008; Whitfield et al., 2008; Irwin et al., 2011; O'Donoghue et al., 2011, Wilson et al., 2009; Wilson et al. 2010; Wilson et al. 2012; NPWS, 2015; Ruddock et al., 2016); and the hen harrier project available online at <http://www.henharrierproject.ie/resources.html>, and,
- Information on the approach taken to conservation objectives of the 14 SPAs designated for hen harriers in the UK (Fielding et al., 2011; and conservation objectives available from the Joint Nature Conservation Committee <http://archive.jncc.gov.uk/page-1419> and Scottish Natural Heritage <https://sitelink.nature.scot/site/8614>);
- Information on likely Zones of Influence (ZoIs) for different species and habitats from best available scientific and grey literature.

3.2.3 Field survey

This report has been informed by field surveys by EirGrid staff to the environs of the proposed development site on 11th October 2019, at which time photographs were taken of relevant features including local habitats, vegetated or physical screening of the proposed development site, or other features relevant to the identification of effect pathways.



3.3 ZONE OF INFLUENCE AND SOURCE-PATHWAY-RECEPTOR MODEL

3.3.1 Overview

Irish departmental guidance on AA Screening and AA (DoEHLG, 2010) requires European sites within the "zone of impact" of a plan or project to be identified (p. 32). In this AA Screening Report, the term Zone of Influence ('Zol') is used in lieu of "zone of impact".

The identification of the Zol concept is closely intertwined with the Source-Pathway-Receptor (S-P-R) model, defined below. For the sake of simplicity, the Zol can be thought of as the length of the 'pathway' component of the S-P-R model (e.g. length of linear habitat being removed), or the area over which the pathway has significant effects (e.g. area of river catchment polluted).

3.3.2 Zone of Influence

3.3.2.1 Guidance on Zone of Influence

Irish departmental guidance states [**emphasis added**]:

"For projects, the [Zol] could be much less than 15 km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects" (DoEHLG, 2010; p.32, para 1).

The proximity of the proposed development to European sites, and the Qualifying Interests (QIs) or Special Conservation Interests therein (SCIs) is fundamental to whether such features are within the Zol of likely significant effects.

However, use of a single Zol such as 15 km for projects, is not evidence-based, and can lead to or exclusion of sites beyond 15 km at risk of impact (e.g. catchment-wide pollution impacts), as well as the unnecessary inclusion of European sites at no risk of impact.

As such, in this AA Screening Report, a nominal distance of 15 km has not been adopted (see section 5).

3.3.2.1 Zol and mobile species

The known distribution of is more readily identified for (sedentary) plants and habitats, than for fauna species which can be highly mobile. Habitats and plants do not range beyond their European sites in contrast to fauna. As such the predicted mobility of fauna species beyond European sites must be considered to accurately estimate the Zol.

The ranging behaviour of fauna species beyond their European sites varies considerably, and for instance:

- Whorl snails *Vertigo* spp. are unlikely to move more than a few metres in their lifetime;
- 'Mark-recapture' studies of marsh fritillary butterflies *Euphydryas aurinia* (Zimmerman et al., 2011) have shown these insects can disperse up to 16 km from breeding areas, and may establish 'meta-populations'. The importance of such meta-populations to the repopulation of core populations is well established. As such, marsh fritillary populations up to 16 km from European sites could support the long-term population viability of QI populations. Consequently, the Zol of disturbance to marsh fritillary could extend to European sites within 16 km of the population impacted.
- Hen harriers can and do nest outside of SPAs, so the potential Zol of disturbance includes any birds potentially associated with SPA populations, having regard for reliable estimates of home ranges (7.3 km² for Scottish male birds; Hardey et al., 2013).

In response to DoEHLG (2010) guidance, Zols will be estimated for potentially significant effects from the proposed development based on the "the nature size and location of the project" (see Section 4).

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3.3.2 Source-Pathway-Receptor Model

The identification of the Source-Pathway-Receptor (S-P-R) model is closely intertwined with the Zol concept.

The S-P-R conceptual model is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no likelihood for the effect to occur. An example of this model is provided below:

- Source (s); e.g. site of electrical installation within existing substation;
- Pathway (s); e.g. vibration and noise; and,
- Receptor (s); e.g. hen harrier if nesting, feeding and/or roosting in adjacent habitats.

In the context of AA Screening, the model is focused solely on QIs/SCIs for which European sites are designated.

3.4 NAMING CONVENTIONS

Vascular plant nomenclature used in this AA Screening Report follows that of the Botanical Society of Britain and Ireland's Checklist of the Flora of Britain & Ireland⁷ Acronyms and abbreviations are spelled in full at first use. Scientific names are used on first occurrence only. Mammal names follow those adopted in the Irish Red List (Marnell et al., 2009).

Throughout this AA Screening Report, references to web resources not associated with a published report (e.g. online databases) are referenced in footnotes. All published reports and policy documents, including the 'grey' literature (e.g. government and consultancy documents), and peer-reviewed literature are cited within the text following the Harvard format and listed in the References Section.



⁷ Available online at <https://bsbi.org/resources> Accessed 10 October 2018.

4. INFORMATION FOR AA SCREENING

4.1 INFORMATION REQUIRED

Having regard for the guidance in Section 3, the following information is required to inform the AA Screening:

- Description of the Proposed Development (already provided Section 2);
- Information on relevant European sites (Section 0) whose locations have been illustrated earlier in this report in **Error! Reference source not found.**;
- Information on species, habitats, and physical features of the receiving environment (Section 0)
- Zols (Section 0); and,
- S-P-R linkages (Section 5.1 SOURCE-PATHWAY-RECEPTOR LINKAGES 5).

Once the description of the proposed development is reviewed, Zols are determined, and the baseline environment is described. Following this, S-P-R linkages are identified in Section 5 which continues with the assessment of likely significant effects, taking account of in-combination effects.

4.2 RECEIVING ENVIRONMENT

This Section has been written based on an examination of aerial photography, photographs taken on the 11th October 2019, and ecological walkover surveys from 7th March 2018 carried out by ecologists from Jacobs Engineering, on behalf of EirGrid, to inform the AA Screening for the consented STATCOM development.

4.2.1 European sites

The proposed development is not located within any European site. The nearest European site is the Mullaghanish to Musheramore Mountains SPA, located c. 0.25 km to the south. This SPA is designated for breeding hen harrier, as per the generic conservation objectives published by the NPWS (NPWS, 2018).

The next nearest European site is the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (site code 365), located 4.1 km to the northwest. This extensive and highly diverse SAC is designated by NPWS for conservation objectives (NPWS, 2017b) for a wide variety of habitats including lakes, peatlands, scrublands, grasslands, and woodlands, and a similarly wide variety of species including lamprey (*Lampetra* spp., and *Petromyzon marinus*), Killarney fern *Trichomanes speciosum*, freshwater pearl mussel. There is no hydrological connectivity to the Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC which is upstream of the proposed development site, and in a different surface water catchment to it.

The Blackwater River (Cork/Waterford) SAC is located 4.1 km to the north. This site is also an extensive SAC designated by the NPWS (NPWS, 2012) for a wide variety of habitats (e.g. estuaries, shingle, and saltmarsh, oak, alluvial and yew *Taxus baccata* woodland) and species (e.g. freshwater pearl mussel, Atlantic salmon, lamprey species, white-clawed crayfish *Austropotamobius pallipes*, Killarney fern). There is no hydrological connectivity to the Blackwater River (Cork/Waterford) SAC, which is upstream of the proposed development site, and in a different surface water catchment to it.

The Mullaghanish Bog SAC (site code 1890) is located 4.4 km to the southwest, and is designated for blanket bog habitats as per the detailed conservation objectives published by the NPWS (NPWS, 2017c). There is similarly no hydrological connectivity to this SAC which is upstream of the proposed development site, and in a different surface water catchment to it.

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There are no other European sites downstream of the proposed development, and in the same river catchment within which the proposed development is located.

The reasons for designation of the European sites described above are summarized in Table 1.

Table 1 Potentially relevant European sites identified in receiving environment

European site name and code	Distance from proposed development	Reasons for designation (Qualifying Interests or Conservation Interests)	Special	Conservation Objectives (*=priority habitat)
Mullaghanish to Musheramore Mountains SPA (4162)	0.25 km	SCI Species <ul style="list-style-type: none"> Hen harrier <i>Circus cyaneus</i> 		Generic Version 6.0 (NPWS, 2018): To maintain or restore the favourable conservation condition (not specified)
Killarney National Park, Macgillicuddy's Reeks and Caragh River Catchment SAC (365)	4.1 km	QI Species <ul style="list-style-type: none"> Kerry slug <i>Geomalacus maculosus</i> Freshwater pearl mussel <i>Margaritifera margaritifera</i> Marsh fritillary <i>Euphydryas aurinia</i> Sea lamprey <i>Petromyzon marinus</i> Brook lamprey <i>Lampetra planeri</i> River lamprey <i>Lampetra fluviatilis</i> Twaite shad <i>Alosa fallax</i> Atlantic salmon <i>Salmo salar</i> Lesser horseshoe bat <i>Rhinolophus hipposideros</i> Otter <i>Lutra lutra</i> Killarney fern <i>Trichomanes speciosum</i> Slender naiiad <i>Najas flexilis</i> QI Habitats <ul style="list-style-type: none"> Oligotrophic waters Oligotrophic to mesotrophic standing waters Water courses of plain to montane levels Northern Atlantic wet heaths European dry heaths Alpine and Boreal heaths <i>Juniperus communis</i> formations Calaminarian Blanket bogs (* if active bog) Rhynchosporion depressions on peat substrates of the Old sessile oak woods Alluvial forests* <i>Taxus baccata</i> woods 		Detailed Version 1 (NPWS, 2017b): Objectives vary from maintain to restore, subject to individual QIs.
Blackwater River (Cork/Waterford) SAC (2170)	4.1 km	QI Species <ul style="list-style-type: none"> <i>Margaritifera margaritifera</i> <i>Austropotamobius pallipes</i> <i>Petromyzon marinus</i> <i>Lampetra planeri</i> <i>Lampetra fluviatilis</i> <i>Alosa fallax</i> 		Detailed version 1: NPWS, 2012: Objectives vary from maintain to restore, subject to individual Qis.



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European site name and code	Distance from proposed development	Reasons for designation (Qualifying Interests or Conservation Interests)	Special Conservation Objectives (*=priority habitat)
		<ul style="list-style-type: none"> • <i>Salmo salar</i> • Otter <i>Lutra lutra</i> • Killarney fern <i>Trichomanes speciosum</i> <p>QI Habitats</p> <ul style="list-style-type: none"> • Estuaries • Mudflats • Perennial vegetation of stony banks (shingle) • Salicornia • Atlantic salt meadows • Mediterranean salt meadows • Water courses of plain to montane levels • Old sessile oak woods • Alluvial forests* • <i>Taxus baccata</i> woods 	
Mullaghanish Bog SAC (1890)	4.4 km	<p>QI Habitats</p> <ul style="list-style-type: none"> • Blanket bogs (* if active bog) 	<p>Detailed Version 1 (NPWS, 2017c)</p> <p>To restore favourable conservation condition</p>

4.2.2 Aquatic habitats and hydrology⁸

A number of open field drains are present on the west, north and east boundaries of the existing substation. All these drains around the site flow into the River Keel or Kilmeedy East River.

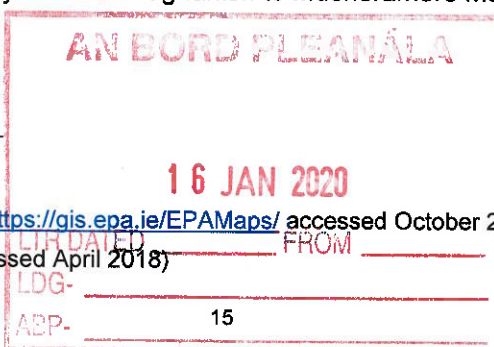
Any drainage from the proposed development site would be captured by the existing drainage system. The existing system discharges uncontaminated surface water into local watercourses including the Glantane West River, which flow south and eventually enter the catchment of the River Keel, within the Lee, Cork Harbour and Youghal Bay catchment.

A review of the Environmental Protection Agency (EPA) mapper⁹ for river water quality data from 2010-2015 indicated that the River Keel is classed as Poor quality. However importantly, there are no European sites downstream of the River Keel. Whilst the Gearagh SAC (site code 108) is within the Lee, Cork Harbour and Youghal Bay catchment, it is not downstream of the proposed development site, and as such is not hydrologically connected to the proposed development.

4.2.3 Terrestrial habitats

The entirety of the proposed development site is dominated by hardstanding and the existing infrastructure of the Ballyvouskill substation. An aerial photograph of the proposed development site (visible as the existing substation) and surrounding habitats are shown in

Figure 2, along with the boundary of the Mullaghanish to Musheramore Mountains SPA.



⁸ All water quality data taken from <https://gis.epa.ie/EPAMaps/> accessed October 2019.

⁹ <https://gis.epa.ie/EPAMaps/> (accessed April 2018)

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Figure 2 Aerial photograph of proposed development site (centre of view) which is entirely located within the existing Ballyvouskill substation; the Mullaghanish to Musheramore Mountains SPA boundary to the south is shown as a hatch with purple boundary.

As illustrated by the two recent photographs below (dated October 2019), there is clearfell habitat c. 120 m southeast of the proposed development site (with suitability as hen harrier nesting habitat). However this area is screened from the substation by an existing coniferous shelterbelt.

Photograph 1: View northwest from the L5226 at junction with substation access road of potential hen harrier nesting habitat (scrubby clearfell; right of view), between the existing Ballyvouskill substation (visible beyond shelterbelt), and the L5226.



Photograph 2 View south from eastern side of existing Ballyvouskill substation along existing access road showing screening of potential hen harrier nesting habitat from the proposed development site by existing coniferous shelterbelt

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As apparent from the aerial photograph in Figure 2, improved grassland dominates the fields to the west, (immediately) to the east, and (immediately) to the north.

The wider hinterland is dominated by a mosaic of improved grassland, rough grassland, heathland, and coniferous forestry in various stages of rotation.

Further discussion of the potential hen harrier nesting habitat in the area of scrubby clearfell is provided in Section 4.2.7.3 Birds.

4.2.6 Hydrogeology¹⁰

The proposed development is located within Glenville groundwater water body (Water Body Code IE_G_037) to the north, Ballinhassig_2 groundwater water body (Water Body Code IE_G_005) to the south and Cahersiveen groundwater water body (Water Body Code IE_G_022) to the west.

The study area has been classified by the GSI on the draft bedrock aquifer map as a Locally Important Aquifer – Bedrock which is Moderately Productive only in Local Zones,

This type of aquifer has a limited and relatively poorly connected network of fractures, fissures and joints, giving a low fissure permeability which tends to decrease further with depth.

The GSI uses a matrix comprising four groundwater vulnerability categories - extreme, high, moderate and low for mapping purposes and in the assessment of risk to groundwater. The categories are based on the thickness of cover (overburden), which provides some attenuation for contaminants migrating toward the groundwater table from the surface or near sub-surface. The majority of the locale surrounding the proposed development site is classified as 'extreme' aquifer vulnerability.

However, importantly, the proposed development site itself is entirely located on made ground within the existing substation site. All foul water will be treated via a proprietary system, and all surface water will be treated and attenuated prior to discharge to existing surface waters.

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¹⁰ Information accessed at <https://gis.epa.ie/EPAMaps/> and www.gsi.ie accessed October 2019.

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4.2.7 Fauna species

4.2.7.1 Aquatic species and invertebrates

The proposed Lee, Cork Harbour and Youghal Bay catchment into which the proposed development site discharges surface water does not overlap any catchments identified by the NPWS as containing freshwater pearl mussel populations.

Atlantic salmon *Salmo salar* and lamprey species are likely to be present in watercourses downstream of the proposed development site within the Lee, Cork Harbour and Youghal Bay catchment. However, there are no SACs designated for these species within this catchment. The proposed development site is not hydrologically connected to the Blackwater River (Cork/Waterford) SAC. This SAC is designated for aquatic species including Atlantic salmon and lamprey, but is located in a different catchment to the north of the proposed development site.

White-clawed crayfish does not occur anywhere in the Lee, Cork Harbour and Youghal Bay catchment. The (favourable reference) range of the species does not overlap this river catchment, and the species is not found in acidic upland waters.

The proposed development site does not overlap the range of the marsh fritillary butterfly, and there are no records within 6 km of the proposed development site. In any case, there will be no vegetation removal for the proposed development.

4.2.7.2 Mammals

The Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC is located 4.1 km to the northwest, and is designated for lesser horseshoe bat, amongst other QIs. However, the proposed development site is outside the (favourable reference) range of the species (NPWS, 2019). There are no known records of lesser horseshoe bat within 14 km of the proposed development site. In any case, there will be no vegetation removal for the proposed development.

There are records of otter 1.5 km east (and upstream) of the proposed development site. There are also records downstream. The nearest SAC designated for otter is the Blackwater River (Cork/Waterford) SAC 4.1 km to the north, however this is in a different river catchment.

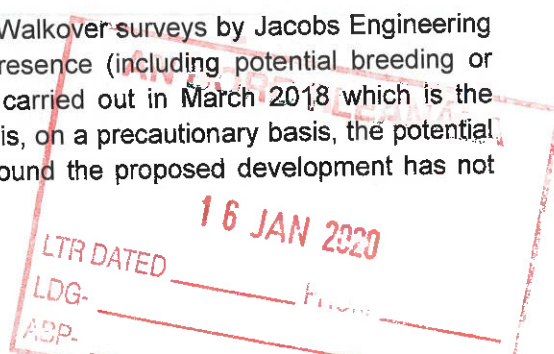
Otter could forage, rest and/or breed in local watercourses. Walkover surveys by Jacobs Engineering (Jacobs Engineering, 2018) found no evidence of otter presence (including potential breeding or resting sites which were not found). These surveys were carried out in March 2018 which is the optimal season to identify otter evidence. Notwithstanding this, on a precautionary basis, the potential for otter to rest, breed, and/or feed in the watercourses around the proposed development has not been excluded.

4.2.7.3 Birds

Hen harrier

Hen harrier, which is the sole SCI of the nearby Mullaghanish to Musheramore Mountains SPA, is known to forage in the vicinity of the proposed development site, which comprises a mosaic of suitable feeding habitats including peatlands, and hedged improved grassland fields. Although no records of foraging hen harriers were identified within 1 km of the proposed development site, following the desktop and consultation exercise, the species is presumed to forage in the vicinity of the proposed development site

An area of scrubby clearfell located 120 m to the east of the proposed development site has potential to host breeding hen harrier. Scrub and other open habitats have been recorded as a potentially significant nesting habitat in Ireland, albeit in the Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Mee et al., 2017). The area of scrubby clearfell, although outside the Mullaghanish to Musheramore Mountains SPA was mapped by the Hen Harrier Special Protection Area (SPA)



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Habitat Mapping Project 2014 (Moran and Wilson-Parr, 2015). At that time, the habitat was mature coniferous plantation of unknown rotation.

A coniferous shelterbelt screens this habitat from the proposed development site (Photograph 1). A thorough consultation and desktop exercise identified no nesting hen harrier within this area or the environs. NPWS have confirmed that the most recent published data, from the last National Survey in 2015 (Ruddock et al. 2016) found no nesting hen harrier within 5 km of the proposed development site. This habitat is considered potential, but suboptimal nesting habitat, due to its location in proximity to the existing substation site, and a regional road.

Peregrine falcon

The NPWS have recorded a successful breeding site for peregrine falcon *Falco peregrinus* at 1-3 km around the site from the 2017 National Peregrine Falcon Survey. There are no optimal cliff nesting sites within the proposed development site or environs. The potential for peregrine to nest, or rest during feeding on the existing 220 kV pylon adjacent the proposed development site cannot be excluded. Peregrines are known to perch on pylons in Ireland (EirGrid, 2016b; authors personal observation), and the species has been known to nest on pylons in the UK (Crick and Ratcliffe, 1995). However the mean distance between pairs in different districts is 2.1-9 km in the UK (Ratcliffe, 1993 cited in Hardey et al., 2013). As such it can be excluded that any peregrine falcons present in the vicinity of the proposed development site would be associated with SPA populations.

Wintering birds

The uplands do not typically provide optimal feeding or roosting habitats to wintering waterfowl within the notable exception of Greenland white-fronted goose *Anser albifrons flavirostris*. Even this species has in many areas moved from upland peatland feeding sites (favoured historically) to lowland coastal sites in recent times. There are no records of Greenland white-fronted goose within 30 km of the proposed development site, and no SPAs designated for the species in the wider west Cork/Kerry uplands.

Whooper swan *Cygnus cygnus* can potentially occur in the uplands, (e.g. on passage). There are historical records of whooper swan c.3 km from the proposed development site on the NBDC online (dating to the '1981-84' survey period). However there are no known wetland sites of significance as whooper swan roosting or feeding sites in the locality (which would elevate the risk of frequent occurrence there). Most importantly, there are no SPAs designated for the species within 50 km of the proposed development site, and whooper swan primarily forage within 5 km of their SPAs (SNH, 2018). As such, SPA populations would not forage in the vicinity of the proposed development site.

4.2.8 Zones of Influence

The potential Zols from the proposed development are summarized in Table 2 for relevant species identified in the preceding baseline section.


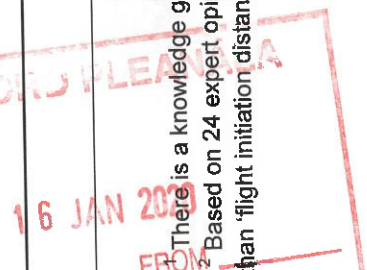
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Table 2 Potential Zones of Influence from the proposed development for relevant species

Species	Source/pathway	Receptor	Zone of Influence	Relevant European sites
Aquatic species	Siltation, or other forms of pollution	Sensitive aquatic species including Atlantic salmon, freshwater pearl mussel, or	Any European site designated for these species within the surface water catchment into which the proposed development discharges surface water, as long as the European site is also downstream of the proposed development site.	No SACs designated for aquatic species swan within the Zol of the proposed development
Nesting hen harrier	Disturbance from noise, lighting, and human presence during construction	Nesting birds (e.g. hen harrier nesting sites, if present in scrubby clearfell c. 120 south of proposed development site)	Best available information on nesting ¹¹ hen harriers indicates breeding birds become alert to human presence at a distance of 500-750 m ¹² (Whitfield et al., 2008). A coniferous shelter belt between the proposed development site at Ballyvouskill and the potentially suitable nesting habitat provides screening which could reduce the magnitude of disturbance to any harriers present there. Hen harrier home ranges may extend up to c. 7.5 km ² (Hardey et al., 2013). This area should inform whether the affected nesting bird could be associated with one or more SPAs.	Mullaghanish to Musheramore Mountains SPA (0.25 km distant) is within the potential Zol of the proposed development
Otter	Disturbance from noise, lighting, and human presence during construction	Otter breeding or resting sites if present	No piling or blasting is required for the proposed development. The potential Zol of piling or blasting on otter breeding could be 150 m from the source (NRA, 2006). There is a knowledge gap on the Zol of less intrusive works such as trenching works, which is the most invasive earthworks required for the proposed development. However significant disturbance is not predicted beyond the fence line of the proposed development site, given the localized nature of the works, which are entirely within the boundary of the existing substation.	Two SACs designated for otter within the potential Zol of the proposed development: 1. Killarney National Park, Macgillicuddy's Reeks and Caragh

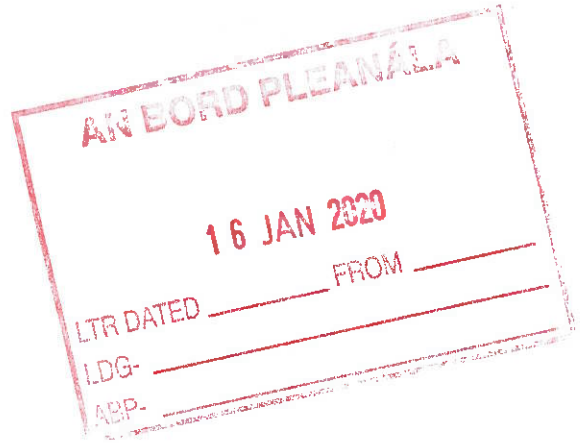



¹¹ There is a knowledge gap on disturbance to roosting populations but this is considered to be similar on a precautionary basis in the absence of reliable information
¹² Based on 24 expert opinions, using the "upper 90%" of opinions. The 'alert distance' (at which birds are visibly alert to human presence) is a more conservative measure of disturbance than 'flight initiation distance' (at which birds take flight).

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Species	Source/pathway	Receptor	Zone of Influence	Relevant European sites
Peregrine falcon	Disturbance from noise, lighting, and human presence during construction	Peregrine falcon or nesting on 220 kV pylon	Suitable nesting habitats ¹¹ up to <u>750 m</u> from the source of disturbance (Whitfield and Ruddock, 2008), local intervening topography. Mean distance between pairs in different districts could be within the range <u>2.1-9 km</u> (data from UK from Ratcliffe, 1993 cited in Hardey et al., 2013). This distance informs whether any affected bird could be associated with one or more SPAs.	Other territories may extend up to <u>c.10 km</u> (O'Neill et al., 2009). This distance will inform whether the affected nesting bird could be associated with one or more SACs. II. Blackwater River (Cork/Waterford) SAC River Catchment SAC
Whooper swan	Disturbance from noise, lighting, and human presence during construction	Whooper swan feeding or roosting populations if present on local pasture fields	Roosting or feeding birds up to 500 m of from the source of disturbance, subject to a case-by-case assessment of the type and duration of disturbance and mitigating factors such as local intervening topography, or habituation of populations to other disturbance (Madsen, 1985; Smit & Visser, 1993; Rees et al., 2005). Whooper swan primarily forage within 5 km of their SPAs (SNH, 2018; data from UK). This distance will inform whether affected birds could be associated with one or more SPAs.	No SPAs designated for peregrine falcon within the Zol of the proposed development No SPAs designated for whooper swan within the Zol of the proposed development



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4.2.9 European sites and features requiring further assessment

The proposed development site is entirely dominated by hardstanding within the existing fenced boundary of the Ballyvouskill 220/110 kV substation.

There are no European sites designated for aquatic species downstream of the proposed development site, and within the same river catchment.

The Mullaghanish to Musheramore Mountains SPA is located c. 0.25 km to the south of the proposed development site. There is potential (albeit suboptimal) nesting habitat for hen harrier outside the SPA, c. 120 m to the east of the proposed development site.

There is potential for two species to occur in the vicinity of the proposed development site, which could be QIs or SCIs of European sites:

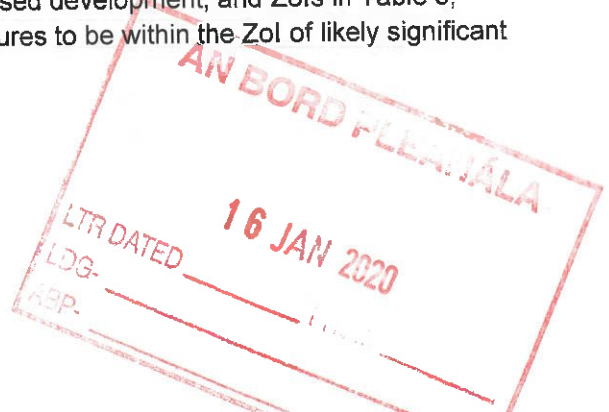
- Otter, recorded within 1.5 km which could be associated with the Blackwater River (Cork and Waterford) SAC and/or the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SACs. Both these SACs are located 4.5 km to the north;
- Hen harrier, recorded within 1-3 km, associated with the Mullaghanish to Musheramore Mountains SPA located 0.25 km to south.

The European sites (and carried forward to Section 5 are summarized in Table 3.

Table 3 Relevant European sites and QIs/SCIs carried forward to further assessment in Section 4

European site name carried forward for further assessment	Distance from proposed development	Relevant feature carried forward for further assessment	Conservation Objectives (*=priority habitat)
Mullaghanish to Musheramore Mountains SPA (4162)	0.25 km	SCI Species <ul style="list-style-type: none"> • Hen harrier <i>Circus cyaneus</i> 	Generic Version 6.0 (NPWS, 2018): To maintain or restore the favourable conservation condition (not specified)
Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC (365)	4.1 km	QI Species <ul style="list-style-type: none"> • Otter <i>Lutra lutra</i> 	Detailed Version 1 (NPWS, 2017b): Objectives vary from maintain to restore, subject to individual QIs.
Blackwater River (Cork/Waterford) SAC (2170)	4.1 km	QI Species <ul style="list-style-type: none"> • Otter <i>Lutra lutra</i> 	Detailed version 1: NPWS, 2012: Objectives vary from maintain to restore, subject to individual QIs.

Having regard for the habitats present, nature of the proposed development, and Zols in Table 3, there is no potential for other European sites, or other features to be within the Zol of likely significant effects.



5. ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

5.1 SOURCE-PATHWAY-RECEPTOR LINKAGES

Prior to assessing the significance of any effects, this Section identifies potential S-P-R linkages between the proposed development and European sites. The Zols identified in

5.1.1 Construction

During construction, the proposed development has the potential to result in a single S-P-R affecting three European sites, namely indirect disturbance from noise, lighting and human presence to:

- Otter of the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC and/or otter of the Blackwater River (Cork/Waterford) SAC (2170) otter and/or hen harrier, if present in habitats surrounding the proposed development site; and/or,
- Hen harrier of the Mullaghanish to Musheramore Mountains SPA

5.1.1.1 Construction pathways scoped out

There will be no habitat removal for the proposed development, and habitat loss has been excluded as a potential pathway.

Surface water pollution is scoped out, because there are no European sites designated for aquatic species downstream of the proposed development site, and any contaminated surface water run-off would be attenuated, and treated prior to discharge via the existing operational drainage system at the existing Ballyvouskill substation.

Groundwater pollution has been scoped out as the proposed development site is dominated by hardstanding. Localized excavation of hardstanding will be required to install underground cabling, and the groundwater vulnerability of the proposed development site is of moderate Groundwater vulnerability. Even if oils, fuels, or paints were to enter the subsoil during cable trenching, there are no receptors, there are no highly groundwater dependent habitats present within the environs of the proposed development site.

No other S-P-R's have been identified during construction of the proposed development site.

5.2.1 Operation

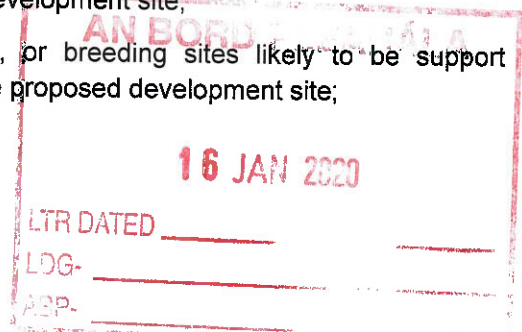
No S-P-R's were identified during operation which have potential to result in likely significant effects on European sites.

5.2.1.1 Pathways scoped out during operation.

Surface water pollution was scoped out for the same rationale as that provided for construction above. In addition, there will be no requirement for significant volumes of fuels, oils, or paints to be used in the course of routine maintenance works.

Collision risk and electrocution of birds was scoped out because the proposed infrastructure elements (which do not exceed c. 15 m height) are similar in height to the existing substation infrastructure. Furthermore:

- The 220 kV pylon and overhead lines entering the Ballyvouskill substation is existing and there are no overhead lines associated with the proposed development site;
- There are no wetlands, or other feeding, roosting, or breeding sites likely to be support significant bird populations who are likely to overfly the proposed development site;



- Birds are likely to avoid over-flying the proposed development site due to the absence of vegetation there, and the potential threat likely to be perceived by birds, associated with the noise and lighting from electrical infrastructure.

5.2 ASSESSMENT OF SIGNIFICANCE OF EFFECTS

Only the construction-phase S-P-R model of disturbance was carried through to an assessment of significance for:

- Otter of the Blackwater River (Cork/Waterford SAC) and/or Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC;
- Hen harrier of the Mullaghanish to Musheramore Mountains SPA; and,

5.2.1 Otter (Blackwater River (Cork/Waterford SAC) and/or Killarney SAC)

There is no evidence that otter occur within the Zol of the proposed development, but its presence there cannot be ruled out.

Applying professional judgement to otter ecology, there is arguably reduced potential for otter to frequently feed, rest, and/or breed in upland areas such as Ballyvouskill due to the lower densities of prey there, relative to lowland habitats. In particular, favoured prey items such as brown trout and European eel (both likely to have been hindered by instream obstacles to upstream movement), and common frog (which does occur in peatlands and acidic wetlands, but in lower densities than in lowland ponds) are all likely to occur at much reduced densities, relative to lowland areas.

There will be no intrusive earthworks for construction of the proposed development site (e.g. blasting, piling, or rock-breaking).

The Zol of disturbance from proposed trenching works to install underground cabling is not predicted to extend beyond the boundary of the proposed development site.

There is no likelihood for significant effects to arise from construction of the proposed development. Potential for effects during operation has been ruled out. In-combination effects are detailed in Section

5.3 IN COMBINATION EFFECTS.

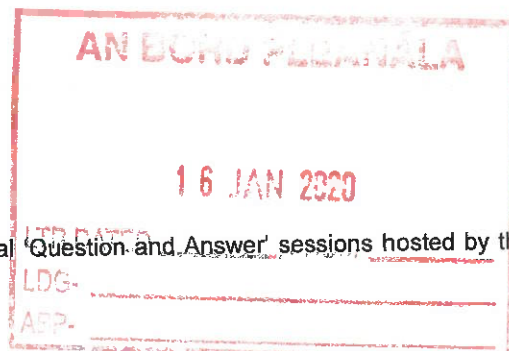
5.2.2 Hen harrier (Mullaghanish to Musheramore Mountains SPA)

5.2.2.1 Note on hen harrier conservation objectives

Detailed conservation objectives have been published for the other two sites carried forward to Section 5 (i.e. Blackwater River (Cork/Waterford) SAC and the Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC). Generic conservation objectives have been published for the Mullaghanish to Musheramore Mountains SPA.

The NPWS advises AA practitioners¹³ to seek appropriate conservation objectives from alternative sites for which detailed conservation objectives have been published, in cases where only generic conservation objectives. However, there are no detailed conservation objectives for Ireland's six hen harrier SPAs.

¹³ At professional fora including AA workshops, and legal 'Question and Answer' sessions hosted by the Chartered Institute of Ecology and Environmental Management.



In light of the requirement for best scientific information to inform AA, the generic conservation objectives for the Mullaghanish to Musheramore Mountains SPA have been supported with the following additional requirements likely to be significant to Irish and UK hen harrier populations¹⁴.

- Number of fledged young per breeding attempt;
- Occupation of apparently suitable nesting habitat;
- Density of breeding hen harriers;
- Prey density in suitable foraging habitats; and,
- Levels of disturbance in potential nesting and roosting habitats.

5.2.2.1 Assessment of significance (hen harrier)

Applying the precautionary principle, there is potential for nesting hen harrier in an area of scrubby clearfell c. 120 m south of the proposed development site. This habitat falls within the potential Zol of construction disturbance to nesting hen harrier (estimated as 500-750 m from disturbance source), albeit the presence of an existing coniferous shelterbelt partially screens this habitat from the proposed development site.

The area of the Mullaghanish to Musheramore Mountains SPA is 4,975 ha (NPWS, 2017a), and the area of potential nesting habitat measures approximately 0.1 % of the total SPA area. No pairs were recorded breeding in the SPA in 2014, and in recent years the population has been between one and two pairs (Hen Harrier Project, 2019). There are no recent or historical nesting records for hen harrier within 2 km of the proposed development site and it is extremely unlikely that the small breeding population would nest within the Zol of the proposed development.

The suitability of nesting habitat is reduced by the existing disturbance from the adjacent regional road, and ongoing maintenance of the Ballyvouskill substation. Furthermore, there is planning consent for several developments in the immediate vicinity of the proposed development which, if constructed, will further reduce the likelihood of nesting hen harrier occurring within the Zol of the proposed development. Overall, despite the presence of suitable nesting habitat, the evidence base indicates that the likelihood of nesting hen harrier can be excluded on the basis of objective evidence.

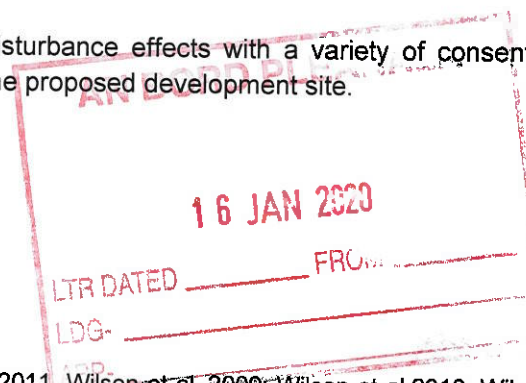
Given the predicted absence of nesting hen harrier within the Zol, and given that no vegetation will be removed for the proposed development (which could potentially impact prey species or habitat quality), the proposed development will not interfere with any of the tentative detailed conservation objectives provided above.

No likelihood for significant effects from construction of the proposed development. Potential for effects during operation has been ruled out. In-combination effects are provided in Section 5.3.

5.3 IN COMBINATION EFFECTS

The in-combination assessment is focused solely on the construction disturbance pathway identified as the sole S-P-R.

There is theoretically potential for in-combination disturbance effects with a variety of consented and proposed developments in the immediate vicinity of the proposed development site.



¹⁴ Irwin et al., 2008; Irwin et al., 2011; O'Donoghue et al., 2011, Wilson et al., 2009; Wilson et al. 2010; Wilson et al. 2012; NPWS, 2015.

5.3.1 Plans

There are protective policies for European sites inherent in all Irish land-use plans from national to local level, and all plans are legally required to be subjected to Appropriate Assessment (including all of EirGrid's plans).

For instance, in the specific case of County Cork, significant amendments were introduced to the Cork County Development Plan 2014¹⁵ by the Natura Impact Report (and Strategic Environmental Assessment Statement), to impose European site protection obligations across the policy spectrum.

The NPWS' threat response plans for otter (NPWS, 2009) and hen harrier (in final draft stage)¹⁶ will specifically reduce in-combination pressures on these species nationwide.

No likely significant in-combination effects are predicted with any plans.

5.3.2 Projects

A search was conducted of planning applications within the vicinity of the proposed development, using the National Planning Application Map Viewer hosted by the Department of Housing, Planning, Community and Local Government¹⁷, and the Planning Enquiry system hosted by Cork County Council¹⁸. Relevant projects within the Zol of the proposed development are identified in Table 4 4.

Table 4: Planning Applications within Zol of the proposed development.

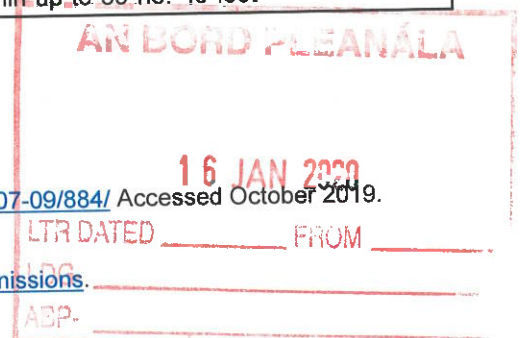
Ref	Status	Distance	Description (summary)	Notes
185686	Granted (15 March 2019)	50 m east	Construction of a battery storage compound including 2 no. battery storage buildings with associated plant and equipment, an ancillary 110 kV electricity substation with 2 no. control buildings, associated electrical plant & equipment and fencing, underground electricity cabling, surface water drainage, site entrance and access track, security fencing and all ancillary site works.	Overlaps and will require removal of potential hen harrier nesting habitat south of proposed development
186438	Granted (7 March 2019)	Adjoins proposed development to south	The proposed development will comprise the construction of one (1) no. ± 100 Mvar STATCOM transformer, one (1) no. auxiliary transformer, three (3) no. reactors, one (1) no. outdoor cooling bank, control and valve building (268 m ²), underground connection to existing ESB substation. It further includes security fencing, security gate, four (4) no. 2.5 m high lightning masts, permeable surfacing, and an internal access road. There will also be the construction of one (1) no. temporary contractors' compound. The development is an extension to the existing substation and the overall site area (within the planning application boundary) is 0.73 ha. Access is provided via a local road (L5226) onto the R582.	Located primarily on improved grassland habitats
184182	Granted (15)	Adjacent	A battery energy storage facility which will comprise of rechargeable battery units contained within up to 39 no. 40 foot	

¹⁵ Available online at <http://corkcocodevplan.com/> Accessed October 2019.

¹⁶ Available online at : <https://www.oireachtas.ie/en/debates/question/2019-07-09/884/> Accessed October 2019.

¹⁷ Available online at <https://myplan.ie/>. Accessed October 2019.

¹⁸ Available from www.corkcoco.ie/en/planning/planning-enquiry-online-submissions.



January 2019)	containers on site and the associated development of unit substations, a 110 kV substation, security fencing, security cameras, lightning mast, new site roads and the upgrading of the existing vehicular access. The facility will connect into the adjoining Ballyvouskill ESB substation via underground cable. All associated site development, landscaping and boundary treatment works above and below ground.
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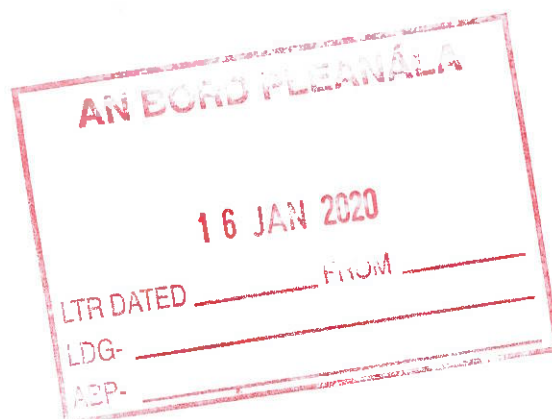
However, it can be excluded that in-combination construction disturbance would result in likely significant effects on hen harrier of the Mullaghanish to Musheramore Mountains SPA because the presence of nesting hen harrier within the Zol of the proposed development has been excluded on the basis of objective evidence. In-combination effects can only arise where the Zol of effects from the proposed development overlaps with those of other developments. As hen harrier presence has been excluded from the Zol of the proposed development, hen harrier are by extension are not present within the Zol of in-combination effects.

The potential for significant in-combination construction disturbance effects to otter of the Blackwater River (Cork/Waterford) SAC and/or Killarney National Park SAC can be excluded because:

- There are known otter breeding or resting sites within the Zol of likely in-combination effects; and,
- The relatively short duration of construction for the proposed development (four months) is unlikely to overlap with the construction periods of other projects within the Zol.

5.4 Summary of in-combination assessment

No significant in-combination effects are predicted, having reviewed planning applications within the potential Zol, and having regard for the protective policies inherent in planning policy from national to county level in Ireland.



6. CONCLUSION OF THE AA SCREENING PROCESS

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended ('The Regulations'), EirGrid has undertaken Appropriate Assessment screening to assess, in view of best scientific knowledge and the conservation objectives of relevant European sites, if the development of the proposed Ballyvouskill reactor, individually or in combination with other plans or projects would be likely to have a significant effect (s) on a European Site(s). In this context, particular attention was paid to the European Sites listed below:

Mullaghanish to Musheramore Mountains Special Protection Area (SPA) (4162);

Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment Special Area of Conservation (SAC) (365); and,

Blackwater River (Cork/Waterford) SAC (2170).

In accordance with Regulation 42(7) of the European Communities (Birds and Natural Habitats) Regulations 2011 SI 477 as amended, EirGrid has made a determination following screening that an Appropriate Assessment is not required as the proposed development individually or in combination with other plans or projects is not likely to have a significant effect on any European sites. The risk of likely significant effects on European sites can be excluded on the basis of objective evidence.

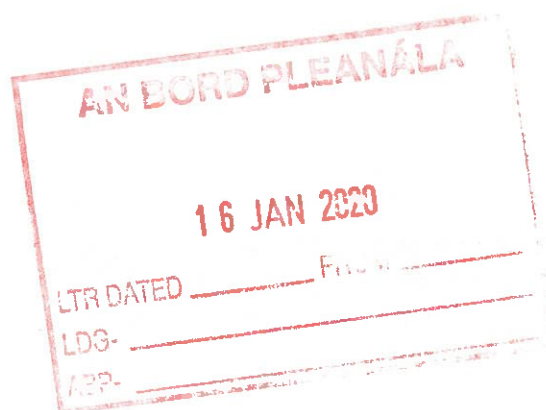
This determination is based on the location, scale, extent and duration of the proposed development, including temporary works.

In accordance with European Court of Justice case law (C-323/17 'People Over Wind and Peter Sweetman v Coillte'), this AA Screening determination has not taken account of measures intended to avoid or reduce effects on European sites.



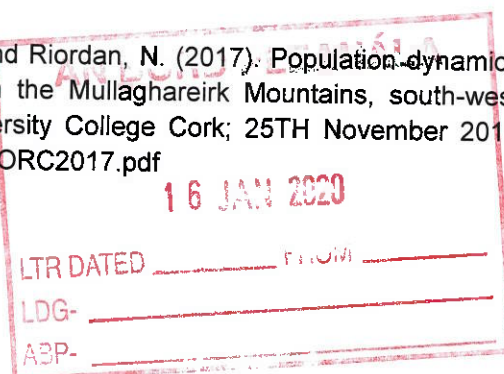
1 November 2019

Robert Fennelly CEcol MCIEEM Senior Ecologist



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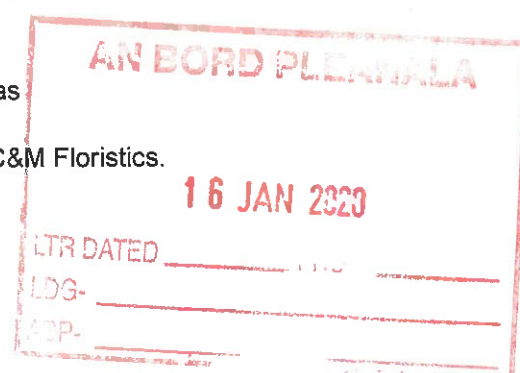
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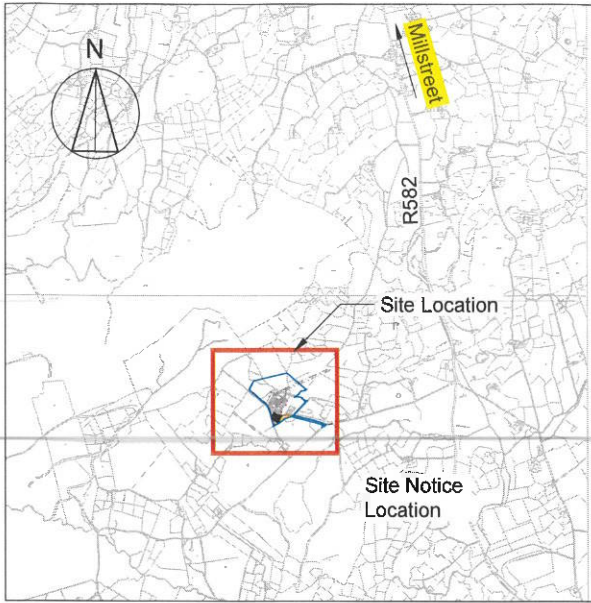
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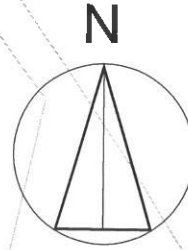
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LOCATION PLAN

(Scale 1:50,000)



Existing 220kV
Clashavoon Overhead
Line/220kV Conductor

Existing 220kV
Tarbert Overhead
Line/220kV Conductor

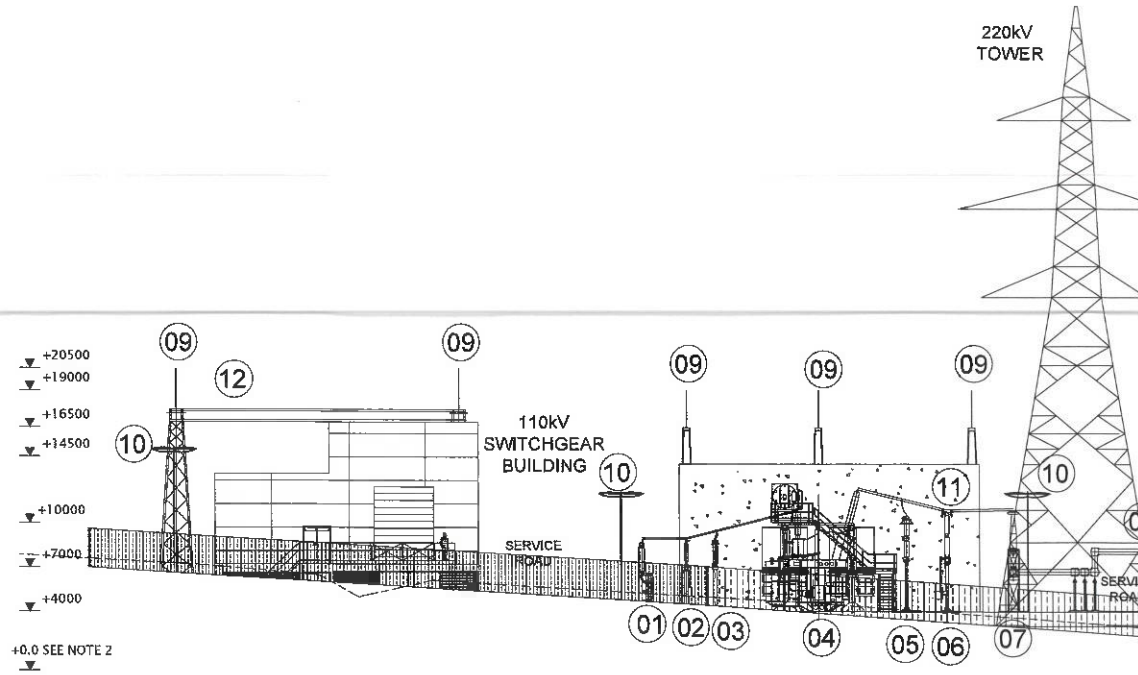
Existing Underground
Cables connecting into
110kV & 220kV GIS
Buildings

Existing GIS
Substation Compound

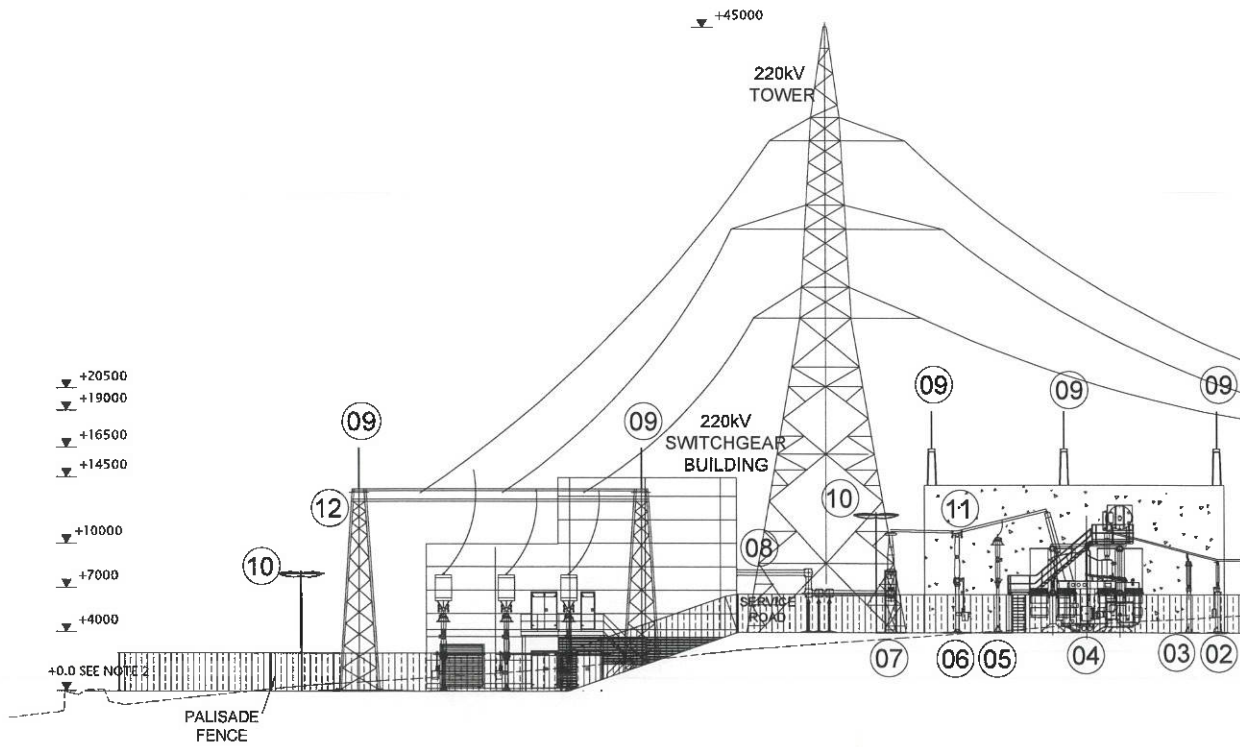
PLAN

(Scale 1:2500)

ENCL 3

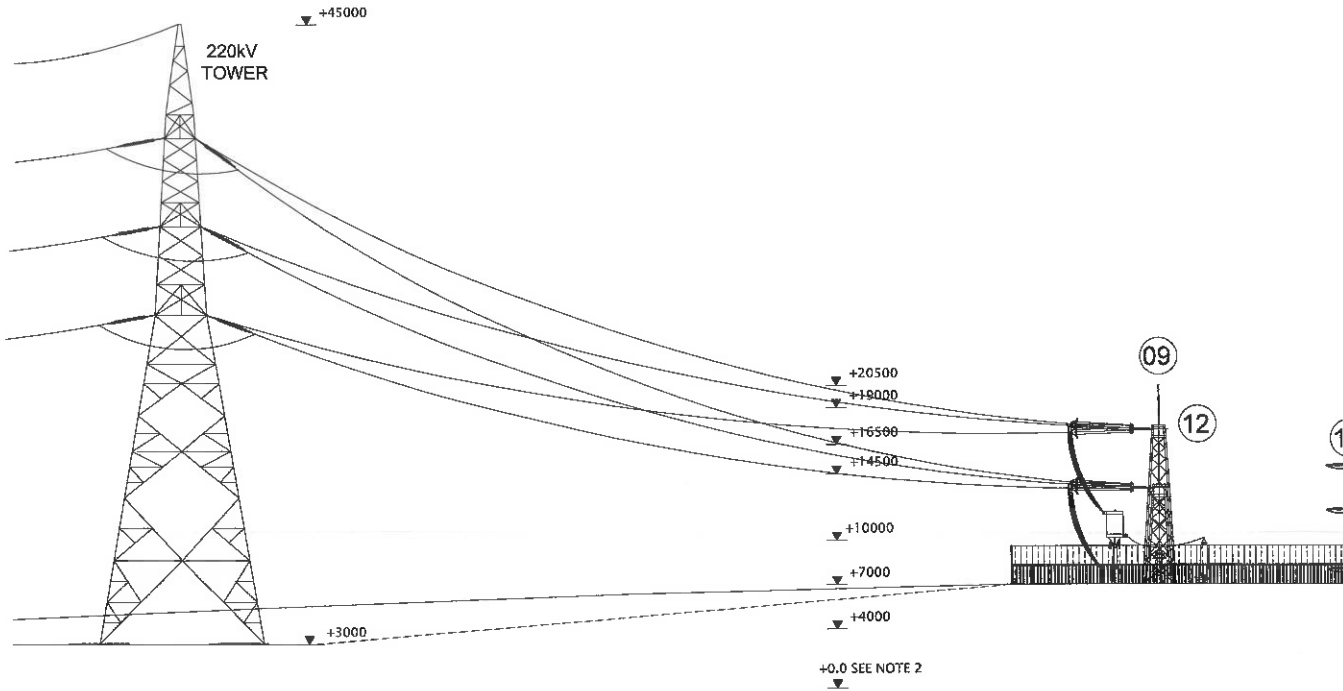
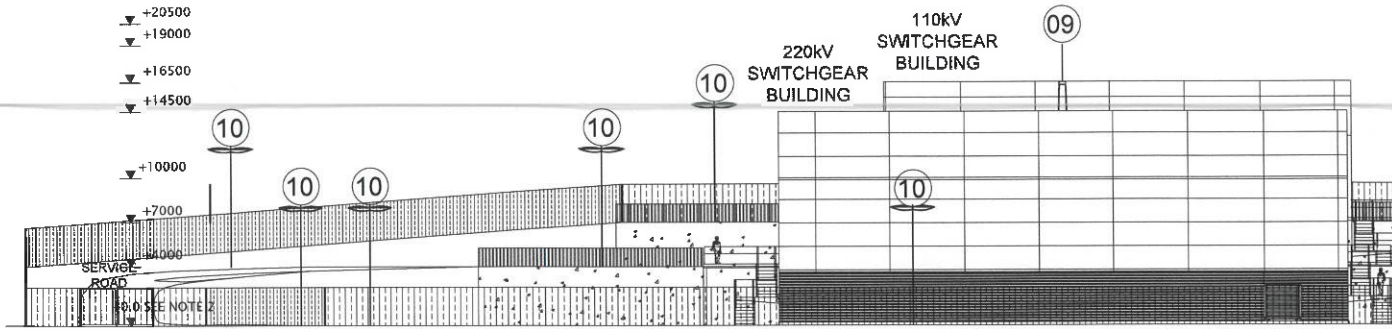


SOUTH ELEVATION



NORTH ELEVATION

EWCL3



REF	DESCRIPTION
01	110kV Cable Sealing End (not shown for clarity)
02	110kV Earth Switch (not shown for clarity)
03	110kV Surge Arrestor (not shown for clarity)
04	220/110kV Transformer
05	220kV Surge Arrestor (not shown for clarity)
06	220kV Earth Switch (not shown for clarity)
07	220kV Gas/Air Bushings (not shown for clarity)
08	Gas Insulated Busbar (GIB) (not shown for clarity)
09	Lightning Conductor
10	Lighting Pole
12	220kV Gantry

Notes
1. ©Ordnance Survey Ireland/Government of Ireland. Ordnance Survey Ireland Licence No. EN0034511.
2. Site level 0,00m is equivalent to 279,00m OD main sea level Vertical Datum at Malin Head.
3. Design for Planning Purposes, not for Construction.

