FEHILY TIMONEY
30 YEARS

CONSULTANTS IN ENGINEERING,
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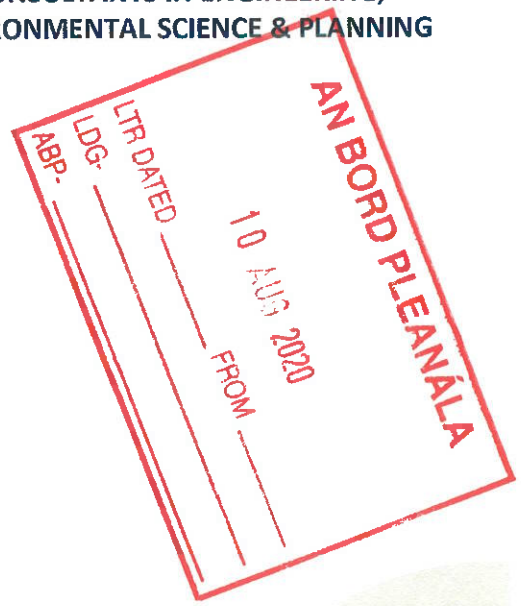

REFERRAL S5 DECLARATION Westmeath County Council Section 5 Declaration Reg. Ref. S5-9-20

Westmeath County Council Section 5 Declaration Reg. Ref. S5-9-20

Underground grid connection which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath

Prepared for Applicant: **HARMONY SOLAR MULLINGAR LIMITED**

Date: **August 2020**

Core House, Pouladuff Road
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CORK | DUBLIN | CARLOW

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CONSULTANTS IN ENGINEERING, ENVIRONMENTAL SCIENCE & PLANNING

Our Ref: P20-201/Lett/SMC/CF

The Secretary,
An Bord Pleanála
64 Marlborough Street,
Dublin 1
D01 V902

10th August 2020

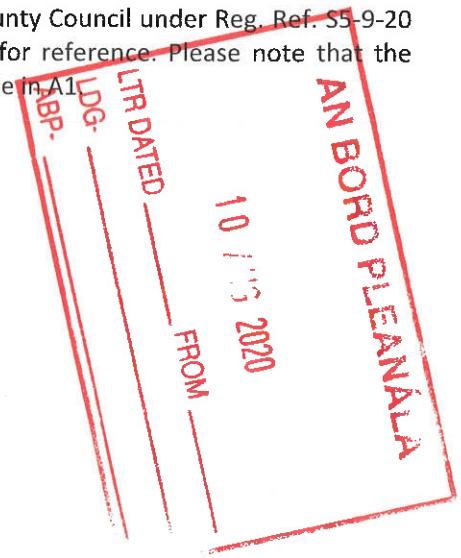
Re: **Section 5 Referral – Westmeath County Council Reg. Ref. S5-9-20 for Harmony Solar Mullingar Limited**

Determination on whether the provision of a circa. 5.1 km underground grid connection within the corridor of public roads and private lands which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is or is not development and is or is not exempted development.

Dear Sir/Madam.

Fehily Timoney and Company of Core House, Pouladuff Road, Co. Cork have been retained by Harmony Solar Mullingar Limited with a registered address of Ballyseskin House, Ballyseskin, Kilmore, Co. Wexford, to make this referral requesting a determination on the above described Section 5 declaration submitted to Westmeath County Council under Reg. Ref. S5-9-20. This referral is made in accordance with Section 5 (3)(a) of the Planning and Development Act 2000 (as amended).

The Section 5 declaration originally submitted to Westmeath County Council under Reg. Ref. S5-9-20 has been provided within Appendix 5 of the enclosed referral for reference. Please note that the drawings provided in Appendix 5 were originally submitted to scale in A1.



Please find enclosed with this referral the statutory fee of €220.

If you have any queries, please do not hesitate in contacting.

Yours sincerely,

Steve McCarthy
for and on behalf of **Fehily Timoney and Company**

Encl.

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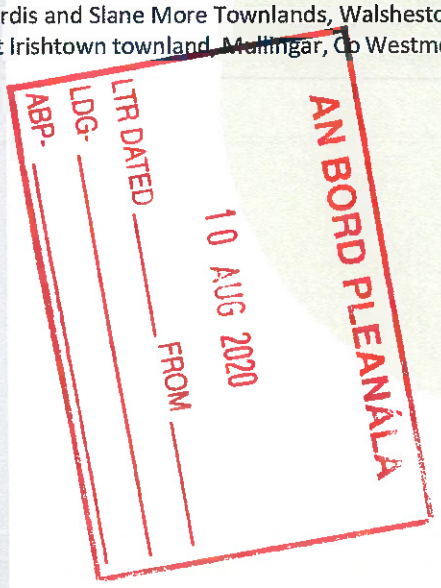
FEHILY TIMONEY
30 YEARS

CONSULTANTS IN ENGINEERING,
ENVIRONMENTAL SCIENCE & PLANNING

REFERRAL
S5 DECLARATION
Westmeath County Council Section 5 Declaration
Reg. Ref. S5-9-20

Westmeath County Council Section 5 Declaration Reg. Ref. S5-9-20

Underground grid connection which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath



Prepared for Applicant: **HARMONY SOLAR MULLINGAR LIMITED**

Date: **August 2020**

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www.fehilytimoney.ie

REFERRAL TO AN BORD PLEANÁLA

HARMONY SOLAR MULLINGAR LIMITED

User is responsible for Checking the Revision Status of This Document

Rev. No.	Description of Changes	Prepared by:	Checked by:	Approved by:	Date:
0	Issue to Client	SMC/CF	DM	JH	10/08/2020

Client: Harmony Solar Mullingar Limited

Keywords: Referral, Section 5 Declaration, Grid Connection

Abstract: Referral to An Bord Pleanála to determine the whether the provision of a circa. 5.1 km underground grid connection within the corridor of public roads and private lands which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is or is not development and is or is not exempted development in accordance with Section 5(3)(a) of the Planning and Development Act 2000 (as amended).

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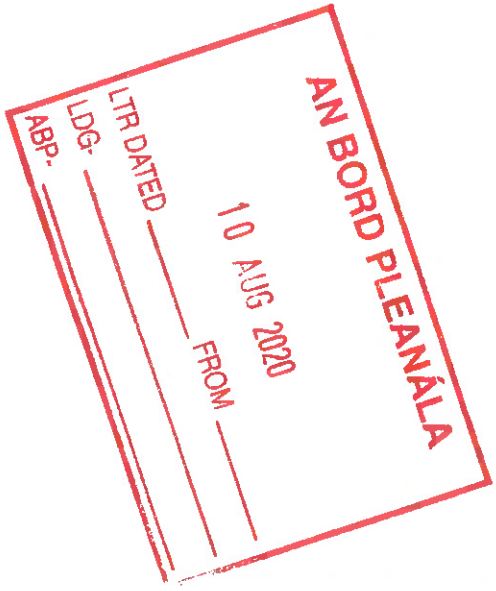
Appendix 1: **Westmeath County Council Decision Reg. Ref. S5-9-20**
Appendix 2: **Updated Drawings prepared by TLI Group**
Appendix 3: **Updated Construction Methodology prepared by TLI Group**
Appendix 4: **Targeted Archaeological Impact Assessment prepared by John Cronin and Associates**
Appendix 5: **Original Section 5 Declaration Submitted to Westmeath County Council**

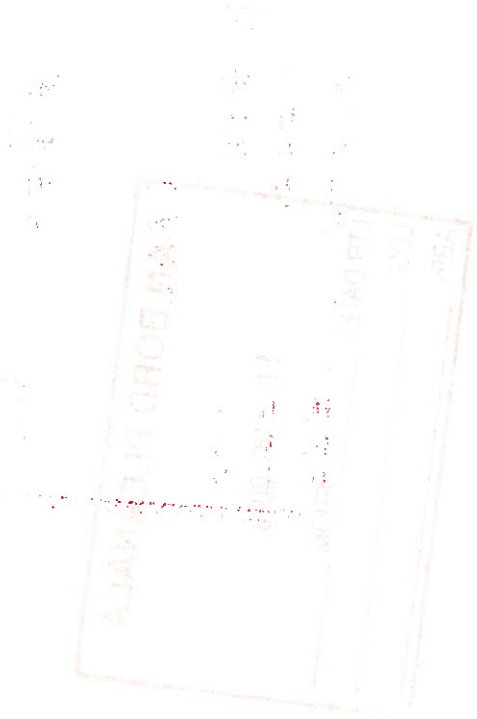


1. INTRODUCTION

Fehily Timoney and Company of Core House, Pouladuff Road, Cork have been retained by Harmony Solar Mullingar Limited, with a registered address of Ballyseskin House, Ballyseskin, Kilmore, Co. Wexford to make this Section 5 referral in respect of Westmeath County Council Reg. Ref. S5-9-20.

The following report details the considerations in which a referral has been made to An Bord Pleanála to determine whether the provision of a circa. 5.1 km underground grid connection within the corridor of public roads and private lands which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is or is not development and is or is not exempted development.

This referral is made in accordance with Section 5(3)(a) of the Planning and Development Act 2000 (as amended).



2. REASONING FOR REFFERAL

2.1 Section 5 Declaration to Westmeath County Council

A request for a declaration of exemption under Section 5 of the Planning and Development Act 2000 (as amended) was submitted to Westmeath County Council on the 29th May 2020. The declaration sought confirmation pursuant to Section 5 of the PDA that a circa 5.1km underground medium voltage cable (UGC) within the corridor of public roadway between permitted Clondardis Solar Farm (ABP Reg. Ref. PL25M.301116 WCC Reg. Ref. 176239) at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is development and is exempted development.

Westmeath County Council issued a decision on the request on the 14th July 2020 under Reg. Ref. **S5-9-20** whereby the Council deemed the request constituted development and is not exempted development as defined by Section 3 of the Planning and Development Act 2000 (as amended). The Council deemed that the development came within the scope of restrictions on exemptions set out within Sub Articles 9(1)(a)(vii) and 9(1)(a)(viiA) of the Planning and Development Regulations 2001 (as amended) and thus is deemed not to be exempted development. The exemptions set out within both Sub Articles are outlined below:

Sub Article 9(1)(a)(vii)

"consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,"

Sub Article 9(1)(a)(viiA)

"consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,"

The proposed 5.1km UGC passes adjacent to a Recorded Monument (WM019-087----) in the townland of Walshestown North. This monument, identified as a Ringfort is dissected by the R393 Regional Road to which the UGC will be placed within. The cable and road also pass through the Zone of Notification of this Recorded Monument.

The reason for the referral is that the proposed works do not contravene Article 9(1)(a)(vii) & (viiA) because they do not contravene any policies or objectives contained within the Westmeath County Development Plan 2014 - 2020. Whilst the works traverse a Zone of Notification for a recorded monument and it is policy of the Westmeath County Development Plan 2014 – 2020 to preserve such monuments (Policy Objective P-AH1 7 P-AH3), the development does not consist or comprise the excavation, alteration or demolition of any archaeological monument by virtue of the location of the works on a public road and the relatively non-intrusive nature of the works which consists of the laying of an electrical cable within a duct under the public road. The nature of the works proposed are clearly set out in Section 2.2 below and preserve the existing monument.

2.2 Works Proposed

2.2.1 Works Proposed

The proposed development consists of an UGC route from the ESB owned Mullingar 110kV substation at the townland of Irishtown in Mullingar, Co. Westmeath.to the approved, Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath (ABP PL25M.301116 [WCC Reg. Ref. 176239]). The total length of the UGC route is c. 5.1 km has been broken down into 4 no. sections (See submitted drawings with section 5 declaration request):TLI Group who undertook the route design did not observe any water crossings along the UGC route.

Table 2-1: Sections of Route and Length of each Section

Section 1	Section 2	Section 3	Section 4
796m	3,195m	409m	704m

Section 1 (Mullingar Substation to R393 Road)

The UGC route begins at the 110kV Mullingar substation in Irishtown, Mullingar Co. Westmeath and exits from the main entrance to the local public roadway network (L1801) and located in the carriageway of the road. Immediately after leaving the Mullingar 110kV Substation the UGC route passes through a residential area. The UGC route will continue in a south westerly direction until it meets the R393.

Section 2 (R393 Road)

Having changed to a north west direction the UGC runs along the Regional R393 road for approx. 3195m. The route passes the water treatment plant for Mullingar. The route continues in this direction until it meets the local L5802 road and changes to a southerly direction. The recorded monument (WM019-087----) is located in this section of the route. The Recorded Monument is located alongside the R393 as shown in Figures 3-1 and 3-2 below. This section of the road appears to have been realigned in recent years.

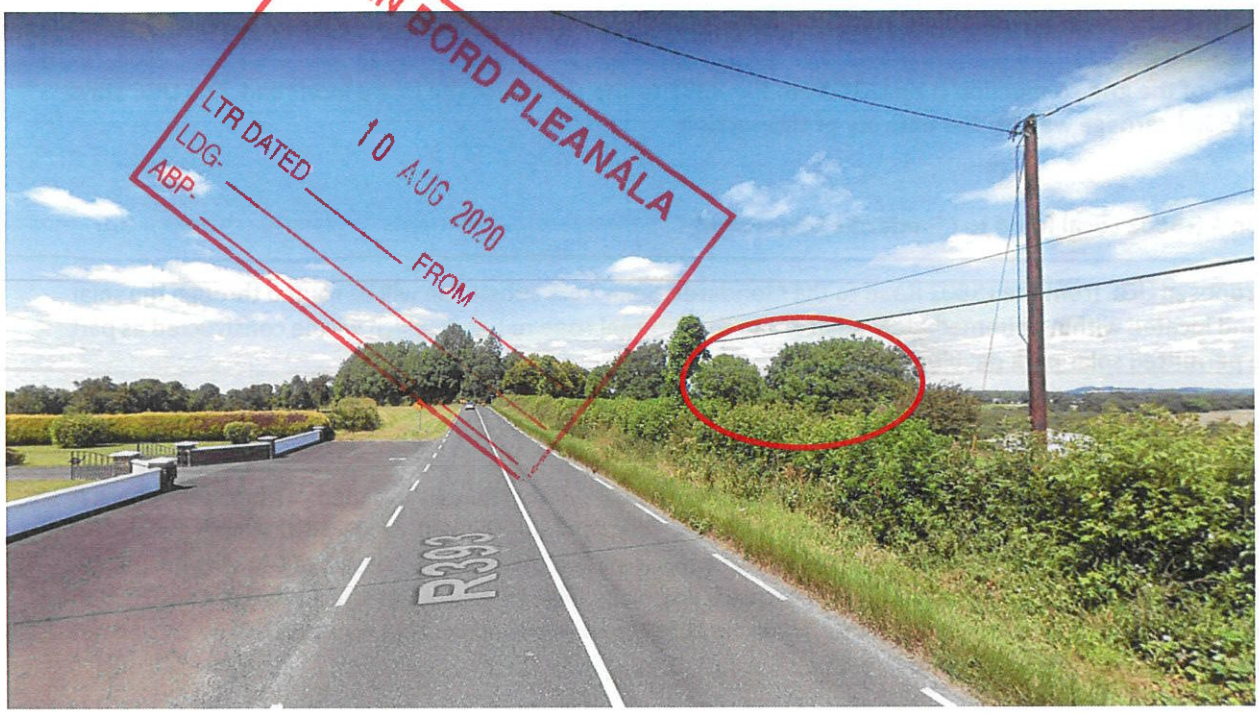


Figure 2-1: Location of Monument (In red) along R393 facing North West (Source: Google Streetview)

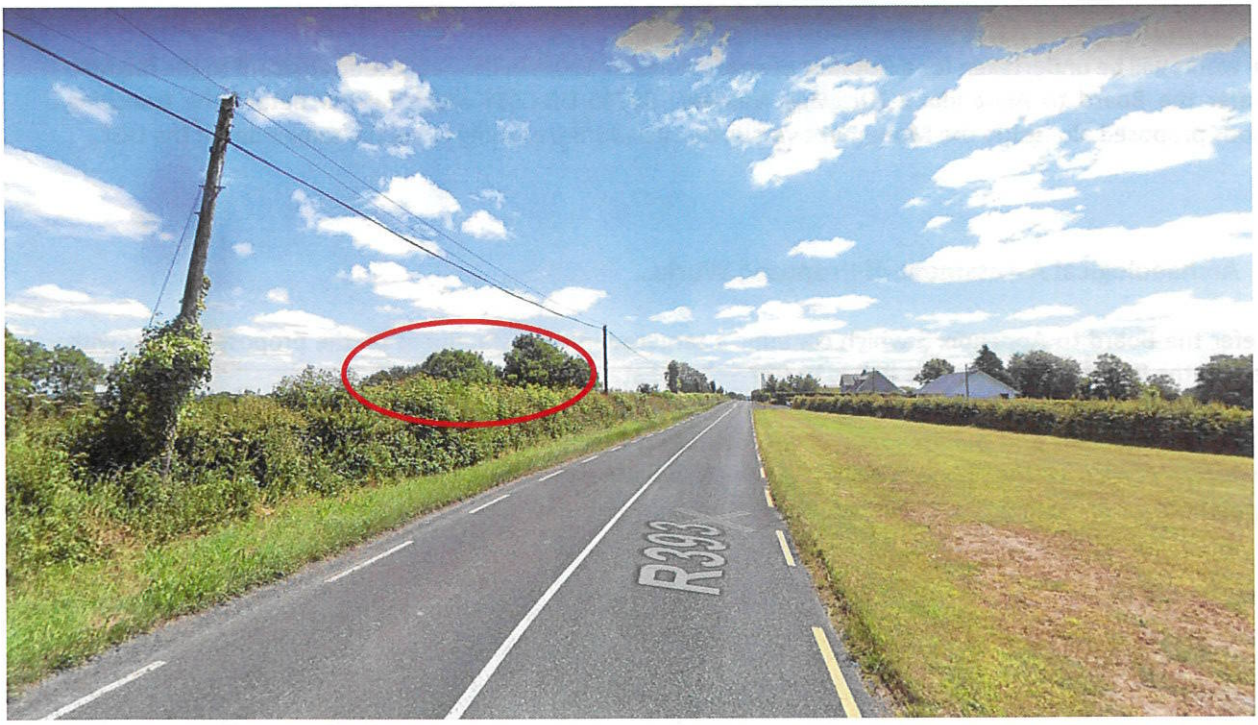


Figure 2-2: Location of Monument (In red) along R393 facing South East (Source: Google Streetview)

Section 3 (L5802 Local Road)

Section 3 of the grid connection is an UGC from the R393 to the solar park site in the local road. The UGC stays in the L5802 carriage way for the entirety of this section.

Section 4 (L5802 Local Road to Clondardis Solar Farm)

The proposed UGC from the L5802 Road to the Clondardis Solar Park substation will be routed through the solar park and located within or immediately adjacent to the internal road network which will be constructed as part of the permitted solar park development.

Works in Section 2 of the route which passes adjacent to the monument will consist of the following;

The UGC will be placed in a shallow trench (c. 625mm depth) within the existing road carriageway where it passes the monument. This contrasts with the standard trench along the rest of the UGC where a standard depth of c. 1220mm depth is proposed. An example of this is shown in Detail A & Detail B of Drawing no. 05745-DR-005 provided in Appendix 2 of this submission. We also refer the Board to the updated Construction Methodology which is provided in Appendix 3. This methodology also confirms that no works will be carried out outside of the existing road carriageway.

While the UGC passes through the Zone of Notification for the Monument it should be outlined that this zone is an arbitrary buffer placed around the existing Monument. In addition, the trenching works proposed will not take place within the Monument itself as they will entirely take place within the carriageway of the existing road.

These works will be undertaken for a distance of approximately 120m in the public road adjacent to the ringfort. We refer the Board to Appendix 2 (Drawing Number: 05745-DR-005) which further details the trenching methods proposed alongside the Monument versus the standard trenching along the remainder of the UGC.

2.3 Archaeological Assessment of Proposed Works.

We refer the Board to Appendix $ which contains a targeted impact statement on the proposed works with respect to the Recorded Monument (WM019-087----). The statement outlines that

> *"The construction and maintenance of the existing road has likely obliterated any trace of the south-western portion of the former ringfort. By confining the trenching to the footprint of the roadway, the potential for archaeological impacts is likely to be extremely low"*

3. ASSESMENT AND CONCLUSION

This referral is made in accordance with Section 5 (3)(a) of the Planning and Development Act 2000 (as amended) and seeks a determination on whether the provision of a circa. 5.1 km underground grid connection within the corridor of public roads and private lands which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is or is not development and is or is not exempted development.

The Planning and Development Act 2000 (as amended) defines development as follows:

> *"Development" in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in use of any structures or other land."*

The proposed works are deemed 'Development' In addition, the proposed works are deemed exempted development pursuant to **Article 6 and Class 26 of Part 1 of the Second Schedule of the Planning Regulations.** The exemption under Class 26 is in the following terms:

> *"The carrying out by any undertaker authorised to provide an electricity service or development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking"* [Class 26, Column 1]

None of the archaeological or heritage structures along the UGC route will be affected by the proposed development due to the nature of works within the existing road surface. Particular attention has been given to the location of the route alongside a Recorded Monument (WM019-087----) in the townland of Walshestown North

At this location through the ZON the UGC will be placed in a shallow trench entirely within the existing road carriageway with no works outside the carriageway. The proposed UGC will not impact upon the existing Recorded Monument.

Given the proposed works are placed within a shallow trench entirely within the carriageway of the R393 road, the works do not *'consist of or comprise the excavation, alteration or demolition of any archaeological monument'* we submit that Sub Article 9(1)(a) (vii) and (via) of the Planning and Development Regulations 2001 (as amended) is not applicable in this case.

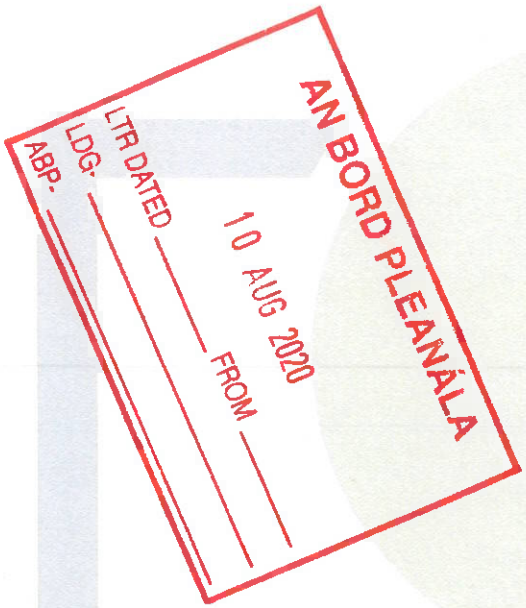
Noting the measures proposed are not considered to affect potential archaeological remains, in accordance with Section 3 of the Monuments Act 1994 notice of the proposed works will be given to the Commissioners (OPW) which will indicate, in line with best practice, archaeological monitoring will be undertaken, as recommended in the original submission.

FEHILY TIMONEY
30 YEARS

CONSULTANTS IN ENGINEERING,
ENVIRONMENTAL SCIENCE & PLANNING

APPENDIX 1

Westmeath County Council
Decision Reg. Ref. S5-90-20



Fehily Timoney & Co.,
Core House,
Pouladuff Road,
Cork.
T12 D773

FEHILY TIMONEY & Co.

WESTMEATH COUNTY COUNCIL
Comhairle Chontae na hIarmhí

Distribution

15 JUL 2020

Job No:

Correspondence No:

Comment:

AN BORD PLEANÁLA
LTR DATED FROM
LDG-
ABP-
10 AUG 2020

14th July 2020

Our Ref: S5-9-20

RE: Section 5 Declaration to determine whether an 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is or is not exempted development.

Dear Sir,

Westmeath County Council has examined your application for a declaration under Section 5 of the Planning & Development Act 2000 as amended and has decided that the subject of your application constitutes development and is not exempt development for the reasons set out in the attached Schedule.

A Declaration made by the Planning Authority may be appealed to An Bord Pleanála with the required fee within four weeks of the date of the issuing of the Declaration in accordance with Section 5(3) (a) of the Planning & Development Act 2000 as amended.

Yours sincerely,

Eamonn Brennan, AO.,
Planning Department,
Tel No: 044-9332165
Fax No: 044-9342330
E-Mail: ebrennan@westmeathcoco.ie
Enc

Schedule

WESTMEATH COUNTY COUNCIL
Planning and Development Act 2000 as amended

Section 5 Declaration Reference: S5-9-20

Section 5 Declaration

Whereas a question has arisen as to whether:
An 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath
is or is not Exempted Development.

And whereas the said question is the subject of a request under Section 5 of the Planning and Development Act 2000 as amended.

And whereas Westmeath County Council, in considering this request had regard particularly to:-

(a) Sections 2 and 3 of the Planning and Development Act 2000, as amended

(b) Article 6 and Article 9 the Planning & Development Regulations 2001 - 2019

(c) Class 26 of Part 1 of Schedule 2 to the Planning & Development Regulations 2001 – 2019

And whereas Westmeath County Council in considering this request has concluded that:-

An 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath

is deemed to be development as defined by Section 3 of the Planning and Development Act 2000 (as amended) and comes within the scope restrictions on exemptions set out at of Sub articles 9 (1)(a)(vii) and 9(1)(a)(viiA) of the Planning and Development Regulation 2001-2019 and is deemed not to be exempted development.

Westmeath County Council, in exercise of the powers conferred on it, by Section 5 of the Planning and Development Act 2000, as amended, hereby decides that:-

An 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is development and is not exempted development.

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30 YEARS

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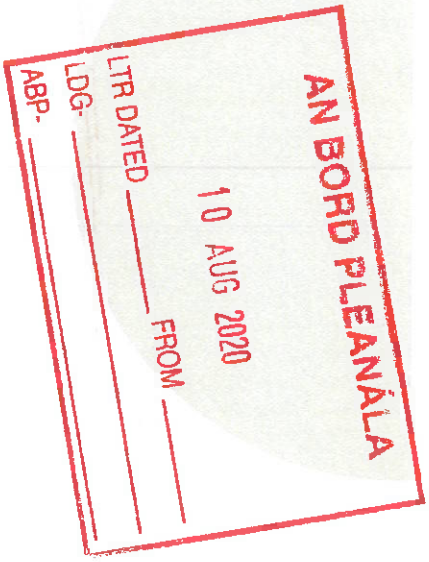
ENVIRONMENTAL SCIENCE & PLANNING

APPENDIX 2

Updated Drawing prepared by
TLI Group




AN BORD PLEANÁLA

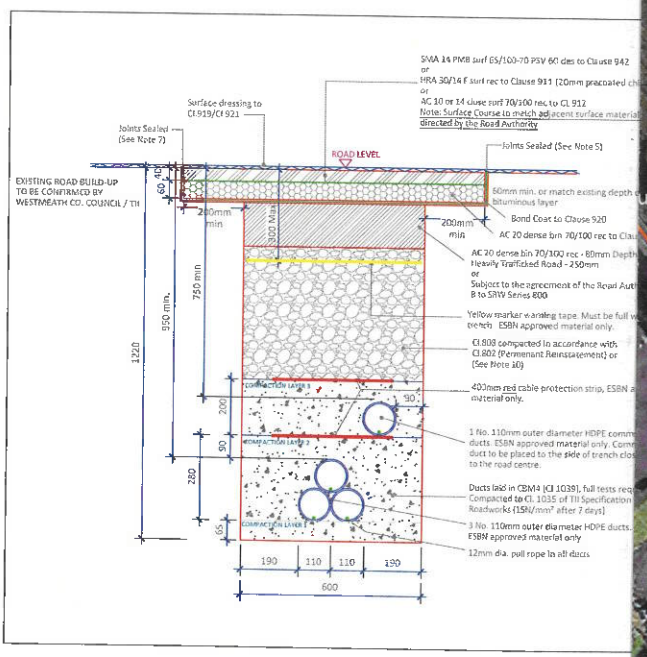
ISO A1 594mm x 841mm

Notes:

- This drawing is to be read in conjuction with relevant drawings, specifications and reports
- Dimensions are in millimetres, unless noted otherwise
- Drawings are not to be scaled use figured dimensions only

Ring

SCA



Detail A - Standard Trench Detail

SCALE: Not to Scale

Project Management Issued: Designer: AF Checked: SK Approved: RG

Head Office
Beenreigh,
Abbeydorney,
Tralee, Co. Kerry
Ireland
Tel: 00353 66 7135710

Regional Office
Basepoint Business Centre
Stroudley Road, Basingstoke,
Hampshire,
RG24 8UP, UK
Tel: 00 44 1256406664

PROJECT

Clondardis Solar Park Grid Connection

CLIENT

Harmony Solar

CONSULTANTS

FEHILY TIMONEY & COMPANY

NOTES: -

LEGEND: -

ISSUE/REVISION

I/R	DATE	DESCRIPTION
P00	05.08.20	Issued For Information

PROJECT NUMBER

05-745

SHEET TITLE

Ringfort Site Crossing Details

SHEET NUMBER

05745-DR-005

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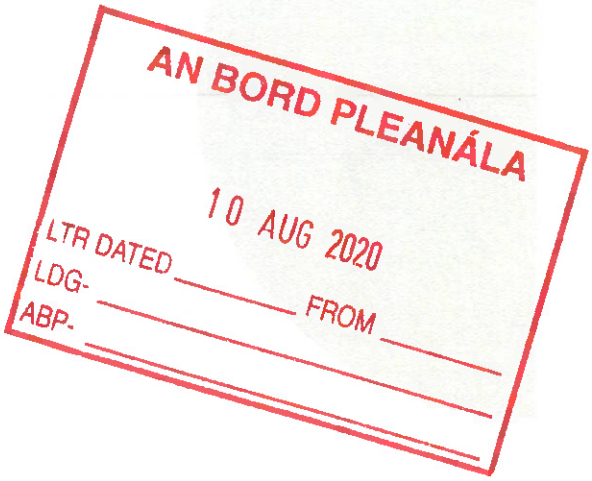
ENVIRONMENTAL SCIENCE & PLANNING

APPENDIX 3

Updated Construction Methodology prepared by TLI Group

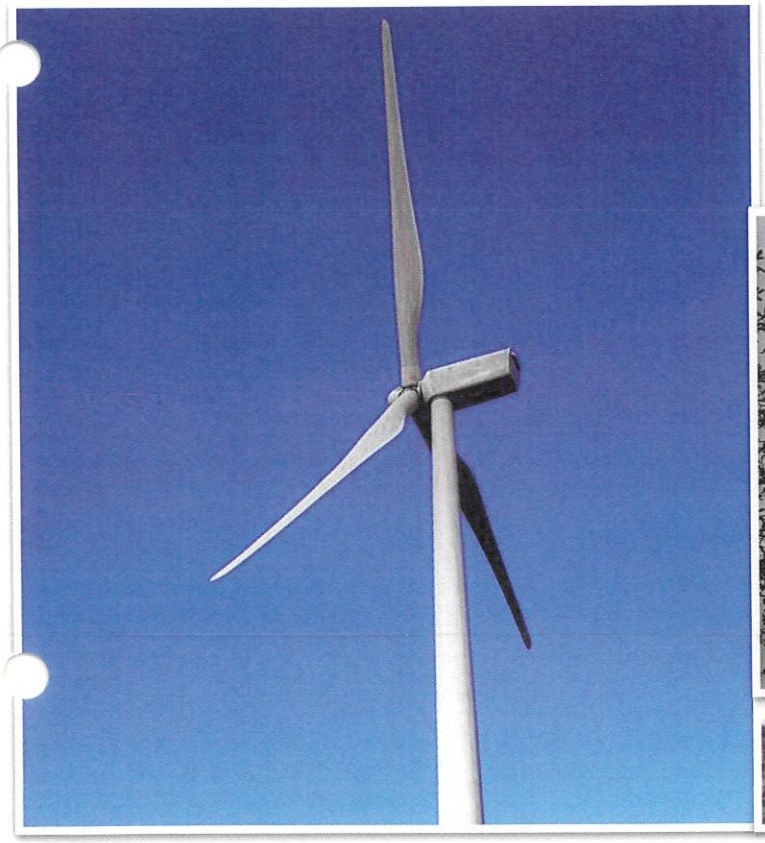


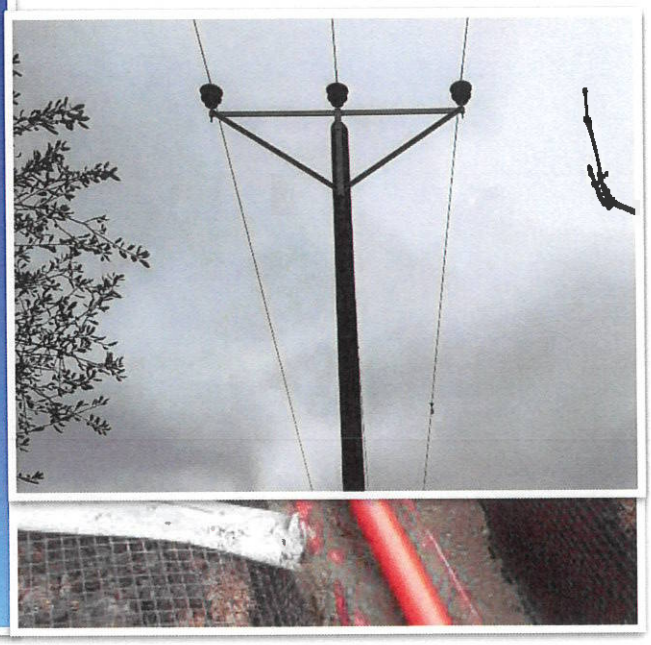
AN RORD PLEANÁLA
10 AUG 2020

Outline Construction Methodology – 38kV Underground Cable

Clondardis Solar Park

Grid Connection Design





April 2020

Report Ref: 05-745-001-00

Client: **Harmony Solar**

Revision:	Designer:	Checked:	Date:	Notes:
00	AF	RG	20/05/2020	For Client Review
01	AF	RG	29/05/2020	For Section 5 Application
02	AF	RG	05/08/2020	For Planning

Contents

1.0 Introduction

The purpose of this document is to outline and explain the construction techniques and methodologies which will be implemented during construction of the proposed Clondardis Solar Park 38kV grid connection to the existing ESB owned Mullingar 110kV substation. The grid connection will consist of an underground cable (UGC). The UGC works will consist of the installation of 4 no. ducts in an excavated trench to accommodate 3 no. power cables, and 1 no. fibre communications cable to allow communications between the Clondardis Solar Park Substation and Mullingar 110kV substation. This document is intended to be used as an aid to understand the methodologies to be employed during construction and should be read in conjunction with all other specialist reports which accompany the planning application. In addition, this document is in outline form only and will be revised and updated prior to the commencement of any construction activities, and detailed Method Statements will be prepared in respect of each aspect of the proposed development.

2.0 Proposed Grid Route

The proposed UGC is approximately 5km in length and runs in an easterly direction from the Clondardis Solar Park to the existing ESB Mullingar 110kV substation. The proposed route is located within the Clondardis Solar Park site, the carriageway of regional and local roads, and across private lands. The exact location of the underground cable within the proposed site boundary is subject to minor modification following a further detailed assessment to be undertaken prior to construction and following consultation with Westmeath County Council and all other relevant stakeholders, having regard to all environmental protection measures outlined in the planning application and accompanying technical reports.

Image 1, below, outlines the proposed UGC route, with each section of the route being discussed in detail at Table 1.

Image 1: Grid Connection Route Location

Tables 1 and **2** of this report outline the preliminary design features of the UGC and proposed route.

Table 1 – Approximate Route Location of Preliminary Design:			
Solar Park Site (UGC)	**Local Roads (UGC)**	**Regional Roads (UGC)**	**ESB Access Track (UGC)**
704m	1082m	3,195m	119m

Table 1: Clondardis Solar Park to Mullingar 110kV Substation – UG Cable Location Summary

3.0 Preliminary Site Investigations

It would be proposed to carry out Preliminary site investigations along the cable route prior to construction to confirm design assumptions.

The following items may be carried out:

1 UG Cable Route:

Slit trenches at locations of major service crossings (Full road width).

5 No. trial holes along the route to ascertain ground conditions and thermal resistivity of the soil.

Traffic Management – Single lane Closure with Stop/Go system in place.

Equipment:

- 4x4 vehicle
- Concrete vibrator
- Wheeled dumper
- Soil compactor
- 360° tracked excavator (only rubber tracked machines will be allowed on public roads)

4.0 UGC Construction Methodology

The proposed UGC will consist of 3 no. 110mm diameter HDPE power cable ducts and 1 no. 110mm diameter HDPE communications duct to be installed in an excavated trench, typically 600mm wide by 1,220mm deep, with variations on this design to adapt to bridge crossings, service crossings and watercourse crossings. The power cable ducts will accommodate 3 no. power cables. The communications duct will accommodate a fibre cable to allow communications between the Clondardis Solar Park substation and Mullingar 110kV substation. The ducts will be installed, the trench reinstated in accordance with landowner/Westmeath County Council specification, and then the electrical cabling/fibre cable is pulled through the installed ducts in approximately 650/750m sections. Construction methodologies to be implemented and materials to be used will ensure that the UGC is installed in accordance with the requirements and specifications of ESB.

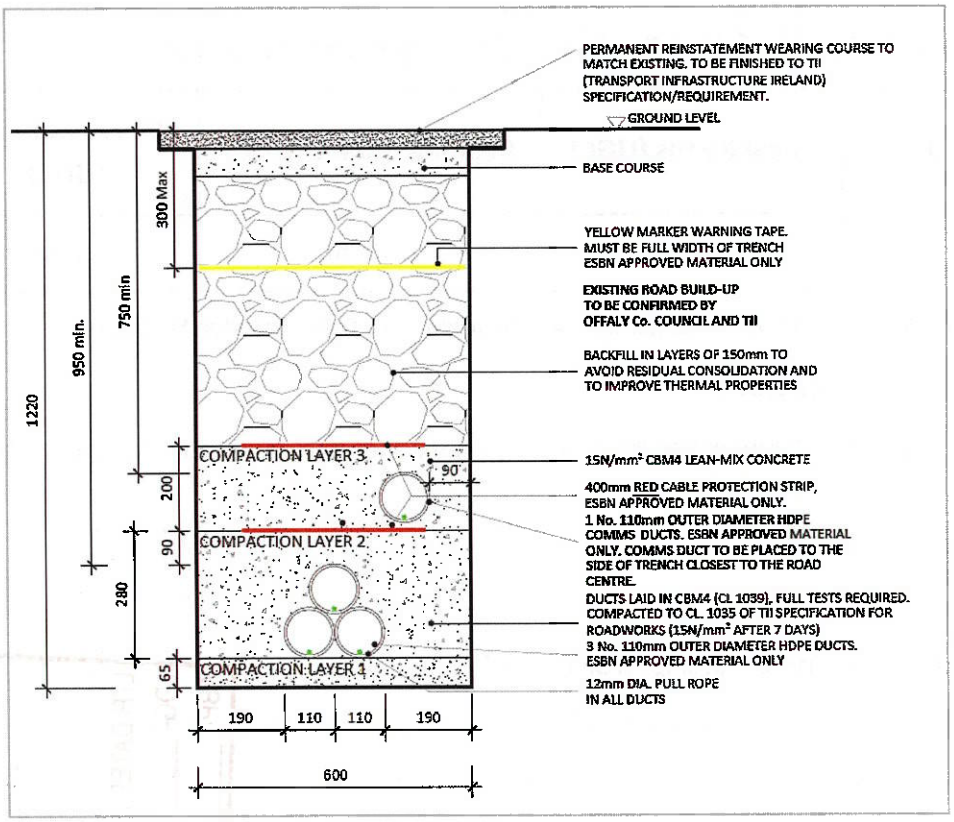


Image 2: Typical Trench in Roadway

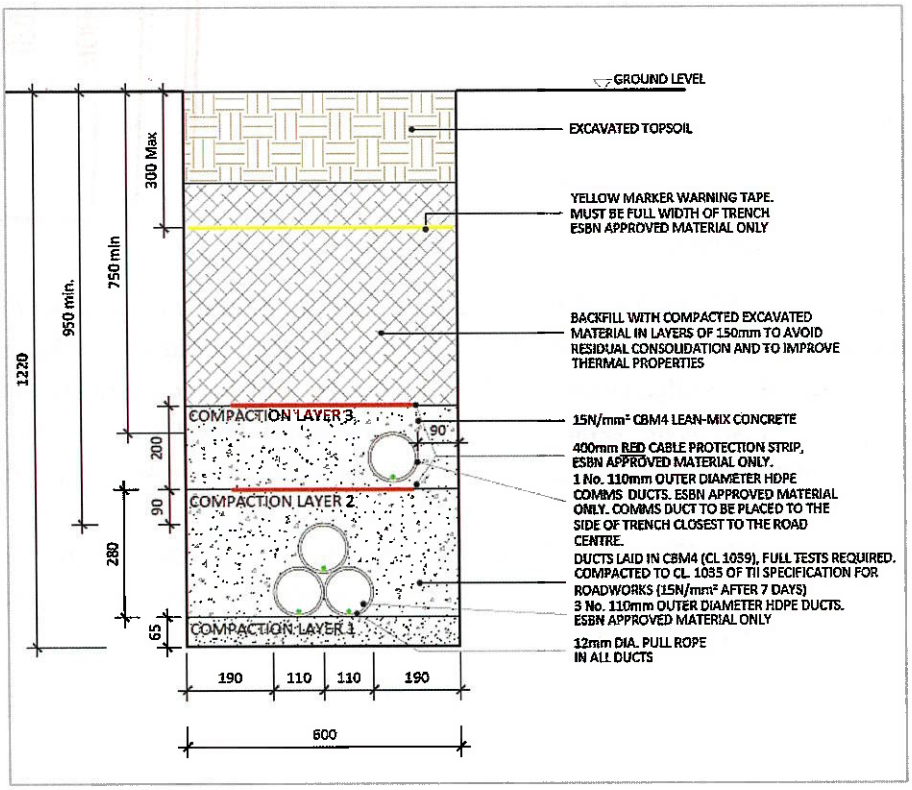


Image 3: Typical Trench in Off Road Section

Surface cable markers will be placed along the route where cable depth is unavoidably shallow, due to constraints such as existing services, to indicate the precise location of the UGC. These markers will be metallic plates in accordance with ESB standards.

Marker posts will be used on non-roadway routes to delineate the duct route and joint bay positions. Corrosion proof aluminium triangular danger signs, with a 700mm base, and with centred lightning symbol, on fluorescent yellow background shall be installed in adequately sized concrete foundations. Marker posts shall also be placed in the event that burial depth is not to standard. The precise siting of marker posts will be dictated by ESBN as part of the detailed design process.

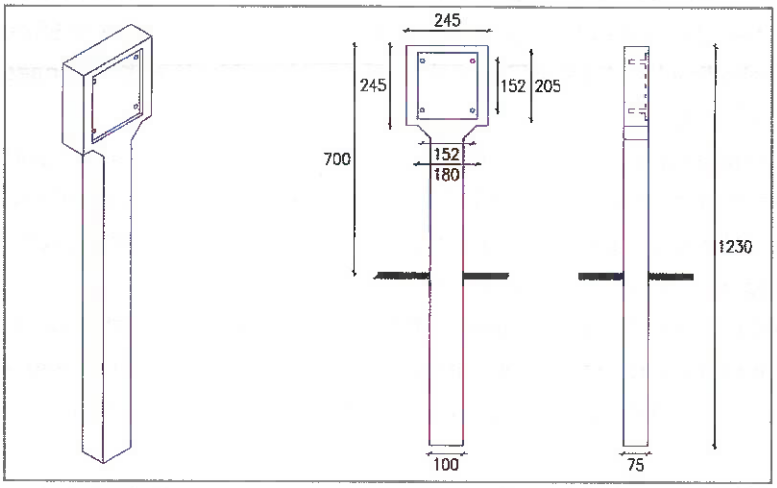


Image 4: Typical ESB Marker Posts Example

4.1 Trenching Methodology

The following section outlines the methodology to be followed during trenching works:-

- The Contractor, and their appointed Site Manager, will prepare a targeted Method Statement concisely outlining the construction methodology and incorporating all mitigation and control measures included within the planning application and accompanying reports and as required by planning conditions where relevant:
- All existing underground services shall be identified on site prior to the commencement of construction works:
- At watercourse crossings, the contractor will be required to adhere to the environmental control measures outlined within the planning application and accompanying reports, the detailed Construction Environmental Management Plan (CEMP) to be prepared prior to the commencement of construction, and best practice construction methodologies;
- Where the cable route intersects with culverts, the culvert will remain in place (where possible) and the ducting will be installed either above or below the culvert to provide minimum separation distances in accordance with ESB and Irish Water specifications;
- In the event that culverts require removal for ducting installation, it is proposed that a suitable method of damming the water source and pumping the water around the work area would be set out in a method statement and agreed with the relevant stakeholders. Once the ducts are installed the culvert will be reinstated to match existing levels and dimensions. If works of this nature are required, the contractor will liaise with Inland Fisheries Ireland in advance of works;

- Traffic management measures will be implemented in accordance with those included in the Traffic Management Report, and a detailed Traffic Management Plan will be prepared and agreed with Westmeath County Council;
- The excavated trench will be approximately 600mm in width and approximately 1220mm deep both within the public road network and within private lands;
- The base of the excavated trench will be lined with sand bedding to be imported to site from a local licensed supplier. The 110mm diameter HDPE cable ducting will be placed into the prepared trench, inspected and backfilled as per Images 2 & 3;
- Excavated material will be temporarily stockpiled onsite for re-use during reinstatement. Stockpiles will be restricted to less than 2m in height. Stockpiles will be located a minimum of 50m from surface water features and all stockpiling locations will be subject to approval by the Site Manager and Project Ecological Clerk of Works (ECoW);
- Excavated material shall be employed to backfill the trench where appropriate and any surplus material will be transported off site and disposed of at a fully authorised soil recovery site;
- Any earthen (sod) banks to be excavated will be carefully opened with the surface sods being stored separately and maintained for use during reinstatement;
- The excavated trench will be dewatered if required, from a sump installed within the low section of the opened trench. Where dewatering is required, dirty water will be fully and appropriately attenuated, through silt bags, before being appropriately discharged to vegetation or surface water drainage feature;
- Where required, grass will be reinstated by either seeding or by replacing with grass turves;
- No more than a 100 metre section of trench will be opened at any one time. The second 100 metres will only be excavated once the majority of reinstatement has been completed on the first;
- The excavation, installation and reinstatement process will take on average of 1 no. day to complete a 100m section;
- Where the cable is being installed in a roadway, temporary reinstatement may be provided to allow larger sections of road to be permanently reinstated together;
- Works will only be conducted in normal working hours of Monday to Friday 08:00 to 20:00 and Saturday 08:00 to 18:00, with no works on Sundays or Bank Holidays except in exceptional circumstances o in the event of an emergency;
- Following the installation of ducting, pulling the cable will take approximately 1 no. day between each joint bay, with the jointing of cables taking approximately 1 no. day.

Equipment:

- 2-3 General Operatives;
- 1 Excavator Operator;
- 1 no. tracked excavator (only rubber tracked machines will be allowed on public roads);
- 1 no. dumper or tractor and trailer.

Materials:

- Sand for pipe bedding;
- Ready-mix Concrete where necessary (delivered to site);
- Trench backfilling material (excavated material and aggregates) to relevant specifications;

- 110mm diameter HDPE ducting;
- Temporary Surface Reinstatement Materials.

Image 5: Typical 38kV Underground Duct Installation

A section of the underground cable will cross the zone of notification of a Ringfort (Ref No. WM019-087), this section of the underground cable will be installed in the existing carriageway of the regional road R393. It is proposed to install the cable ducts in a shallow flat formation for the section of the route which crosses the zone of notification in order to minimise the depth of the trench (approx. depth of trench 625mm). Reinstatement works will be completed to the satisfaction of the Local Authority and in-line with the current road reinstatement, it is not proposed to carry out any works outside of the existing road carriageway. See Drawing 05745-DR-005 for further details.

Image 5: Ringfort (Ref No. WM019-087)

4.2 Managing Excess Material from Trench

All excavated material will be temporarily stored adjacent to the trench prior to re-use in the trench reinstatement (where applicable). Stockpiles will be restricted to less than 2m in height. Where excess material exists, it may be used in the reinstatement of the Clondardis Solar Park site or disposed of to a licensed facility.

4.3 Storage of Plant and Machinery

All plant, machinery and equipment will be stored on site within the works area or within the temporary construction compound to be located within the permitted Clondardis Solar Park. Oils and fuels will not be stored on site and will be stored in an appropriately bunded area within the temporary storage compound.

4.5 Joint Bays and Associated Chambers

Joints Bays are to be provided approximately every 650m - 750m along the UGC route to facilitate the jointing of 2 no. lengths of UGC. Joint Bays are typically 1.6m x 4.5m x 1.275m pre-cast concrete structures installed below finished ground level. Joint Bays will be located in the non-wheel bearing strip of roadways, however given the narrow profile of local roads this may not always be possible.

In association with Joint Bays, Communication Chambers are required at every joint bay location to facilitate communication links between the Clondardis Solar Park substation and the existing 110kV substation at Mullingar. Earth Sheath Link Chambers are also required approximately every second joint bay along the cable route. Earth Sheath Links are used for earthing and bonding cable sheaths of underground power cables, installed in a flat formation, so that the circulating currents and induced voltages are eliminated or reduced. Earth Sheath Link Chambers and Communication Chambers are located in close proximity to Joint Bays. Earth Sheath Link Chambers and Communication Chambers will typically be pre-cast concrete structures with an access cover at finished surface level.

The precise siting of all Joint Bays, Earth Sheath Link Chambers and Communication Chambers is subject to approval by ESBN. Marker posts will be used on non-roadway routes to delineate the duct route and joint bay positions. The marker posts will consist of a corrosion proof aluminium triangular danger sign, with 750mm base, and with centred lightning symbol, on engineering grade fluorescent yellow background. They will be installed in adequately sized concrete foundations and will also be placed where the cable has not been buried to the standard depth, due to existing road conditions.

Equipment:

- 2-3 General Operatives
- 1 Excavator Operator
- 360˚ tracked excavator (only rubber tracked machines will be allowed on public roads)
- 1 no. tracked dumper or tractor and trailer

Materials:

- Sand for pipe bedding
- Ready-mix Concrete where necessary (delivered to site);
- Trench backfilling material (excavated material and aggregates) to relevant specifications;
- 110mm diameter HDPE ducting
- Precast Chamber Units / Construction materials for chambers

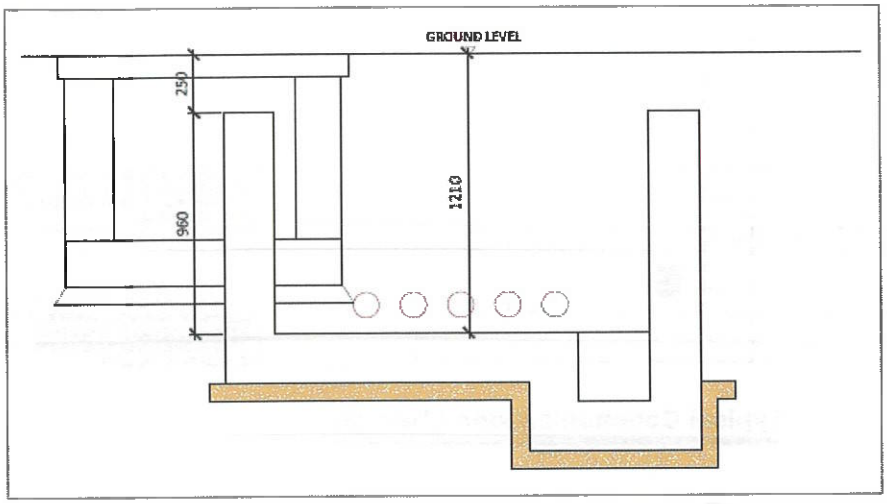


Image 7: Typical Section Through Joint Bay and Link Box

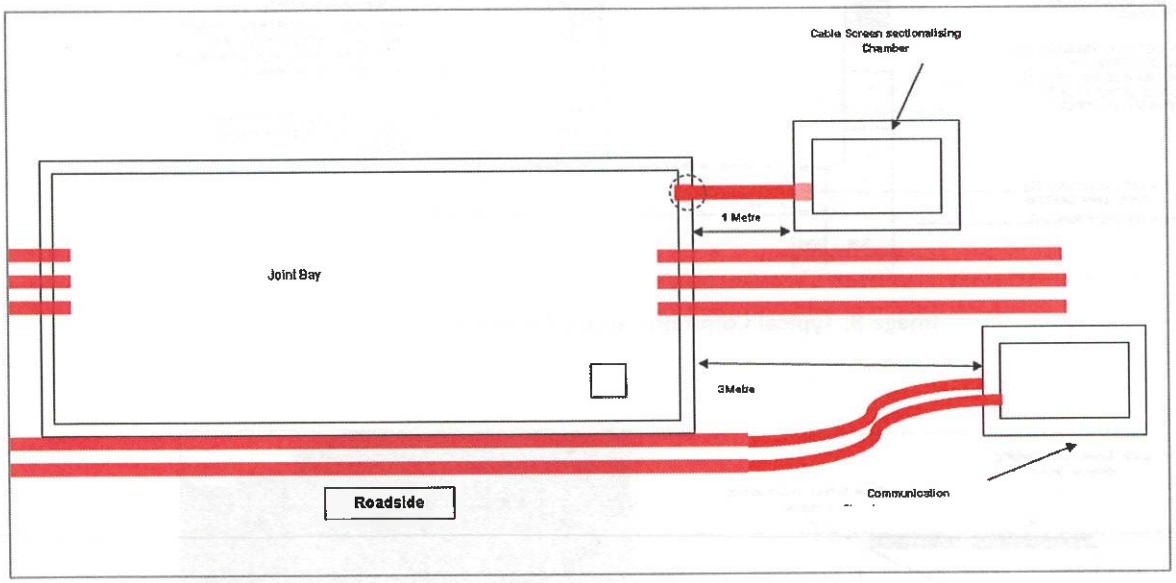


Image 8: Typical Joint Bay and Link Box Plan Details

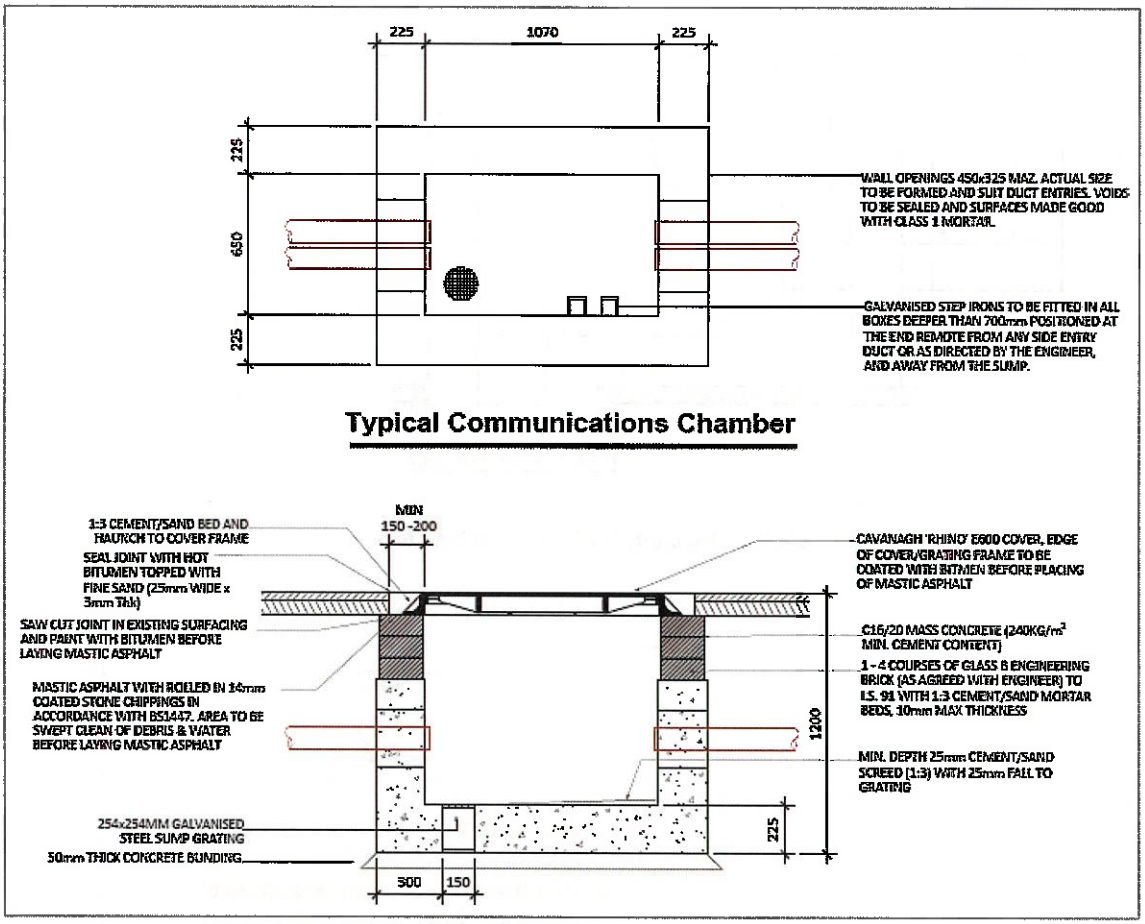


Image 9: Typical Communications Chamber

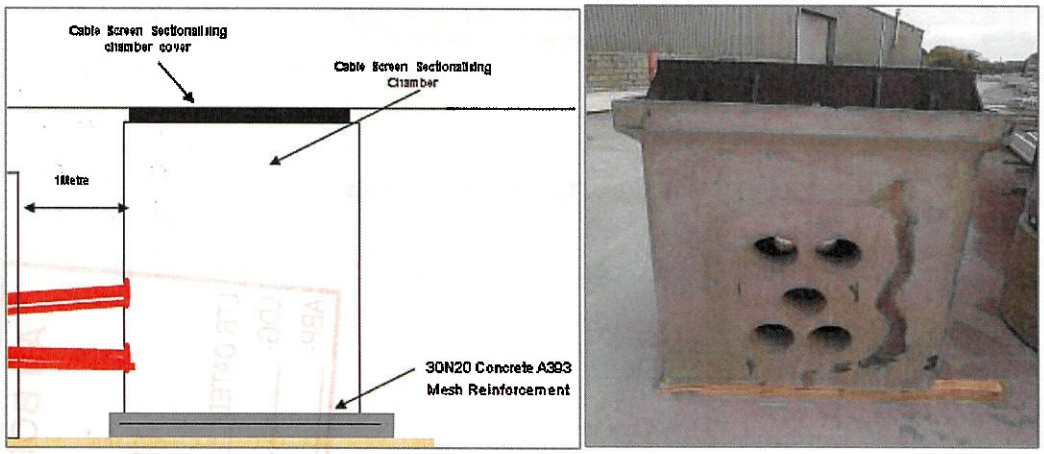


Image 10: Typical Sheath Link Chamber

5.0 Assessment of Proposed Route and Construction Requirements

The table below separates the transmission line route into a number of sections and describes the specific construction requirements of each individual section.

Table 2 - Summary of Preliminary Grid Connection Design Route

Section	Description
Section 1 UGC 796 m	**UGC from Mullingar 110kV Substation to R393 Road** The proposed UGC from the Mullingar 110kV substation to the R393 Road will be routed through the Local Road L1701 and located in the carriageway of the road. The UGC will exit the Mullingar 110kV Station through main ESB entrance and continue onto the L1701 road. Immediately after leaving the Mullingar 110kV Substation the UGC route passes through a highly residential area. The UGC route will continue in a south westerly direction until it meets the R393. Features Section 1 contains 1 no. joint bay. Joint bays will be located below ground and finished/reinstated to the required national roads specification. Joint bays will have associated communication chambers and link boxes which will have a surface access hatch which will match existing ground levels. • Joint Bay 01 (JB01) will be located in the L1701 local road. JB01 will be located approx. 711m from the Mullingar 110kV Substation. Section 1 must navigate water main piping on both sides of the L1701, from the Mullingar Substation as far as the R393.
Section 2 UGC 3195 m	**UGC within R393 Road** Having changed to a north west direction the UGC runs along the Regional R393 road for approx. 3195m. The route passes the water treatment plant for Mullingar. The route continues in this direction until it meets the local L5802 road and changes to a southerly direction. Section 2 remains in the R393 road carriageway. Features Section 2 contains 4 no. joint bays. Joint bays will be located below ground and finished/reinstated to the required national roads specification. Joint bays will have associated communication chambers and link boxes which will have a surface access hatch which will match existing ground levels. • Joint Bay 02 (JB02) will be located adjacent to the Mullingar Water treatment plant. This is located approx. 760m north east of JB01. • Joint Bay 03 (JB03) will be located within the R393 roadway, approx. 762m north west of JB02.

	• Joint Bay 04 (JB04) will be located within the R393 roadway, approx. 689m south of JB03. • Joint Bay 05 (JB05) will be located within the R393 roadway, approx. 690m south of JB04. There is a water main running the entirety of the length of road, from the water treatment plant to the junction at the L1701 there is a water main on both sides of the road. Shallow duct formation required for the zone of notification of the ringfort Ref No. WM019-087.
Section 3 UGC 409 m	**UGC in L5802 Local Road** Section 3 of the grid connection is an UGC from the R393 to the solar park site in local road. The UGC stays in the L5802 carriage way for the entirety of this section. <u>Features</u> Section 1 contains 1 no. joint bay. Joint bays will be located below ground and finished/reinstated to the required national roads specification. Joint bays will have associated communication chambers and link boxes which will have a surface access hatch which will match existing ground levels. • Joint Bay 06 (JB06) will be located in the L5802 local road. JB06 will be located approx. 760m from JB05. There is a water main on the right-hand side heading towards the Solar Park
Section 4 UGC 704 m	**UGC from L5802 Road to Clondardis Solar Park substation** The proposed UGC from the L5802 Road to the Clondardis Solar Park substation will be routed through the solar park and located within or immediately adjacent to the internal road network which will be constructed as part of the permitted solar park development. Access routes to the work areas will be via the solar park access points. All plant and equipment employed on the proposed works will be subject to good site organisation and hygiene, particularly during construction activities.
Refer to Image 1 and to the planning drawings submitted for location details. Note: The precise location of the proposed route within the planning application boundary is subject to change as result of existing services/utility locations, ground conditions and any environmental constraints.	

Table 2: Summary of Preliminary Grid Connection Design Route

6.0 Best Practice Design and Construction & Environmental Management Methodology

Prior to commencement of construction works the contractor will draw up detailed Method Statements which will be informed by this Outline Construction Methodology, environmental protection measures included within the planning application, measures proposed within the CEMP, and the guidance documents and best practice measures listed below. This method statement will be adhered to by the contractors and will be overseen by the Project Manager, Environmental Manager and ECoW where relevant.

The following documents will contribute to the preparation of the method statements in addition to those measures proposed below:-

- Inland Fisheries Ireland (2016) *Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters*. Inland Fisheries Ireland, *Dublin,*
- *National Roads Authority (2008) Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes*. National Roads Authority, Dublin;
- E. Murnane, A. Heap and A. Swain. (2006) *Control of water pollution from linear construction projects.* Technical guidance (C648). CIRIA;
- E. Murnane et al., (2006) *Control of water pollution from linear construction projects*. Site guide (C649). CIRIA.
- Murphy, D. (2004) Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites. Eastern Regional Fisheries Board, Dublin;
- H. Masters-Williams et al (2001) *Control of water pollution from construction sites. Guidance for consultants and contractors* (C532);
- Enterprise Ireland (unknown). *Best Practice Guide (BPGCS005) Oil storage guidelines;*
- Law, C. and D'Aleo, S. (2016) *Environmental good practice on site pocket book.* (C762) 4th edition. CIRIA;
- CIRIA *Environmental Good Practice on Site (fourth edition) (C741) 2015*.

The proposed works will be carried out by employing accepted good work practices during construction, and environmental management measures such as those discussed below. Please note that the following measures will be supplemented by further specific environmental protection measures that will be included in method statements prepared for specific tasks during the works and will form part of the detailed CEMP.

- All materials shall be stored at the temporary compound within the Clondardis Solar Park site and transported to the works zone immediately prior to construction;
- Where drains and watercourses are crossed with underground cables, the release of sediment will be prevented through the implementation of best practice construction methodologies.
- Weather conditions will be taken into account when planning construction activities to minimise risk of run off from site;
- Provision of 50m exclusion zones and barriers (silt fences) between any excavated material and any surface water features to prevent sediment washing into the receiving water environment;
- If dewatering is required as part of the proposed works e.g. in trenches for underground cabling or in wet areas, water must be treated prior to discharge;
- The contractor shall ensure that silt fences are regularly inspected and maintained during the construction phase;

- If very wet ground must be accessed during the construction process bog mats/aluminium panel tracks will be used to enable access to these areas by machinery. However, works will be scheduled to minimise access requirements during winter months;
- The contractor shall ensure that all personnel working on site are trained in pollution incident control response. A regular review of weather forecasts of heavy rainfall is required and the Contractor is required to prepare a contingency plan for before and after such events;
- The contractor will carry out visual examinations of local watercourses from the proposed works during the construction phase to ensure that sediment is not above baseline conditions. In the unlikely event of water quality concerns, the Environmental Manager and ECoW will be consulted;
- Excavations will be left open for minimal periods to avoid acting as a conduit for surface water flows.
- Only emergency breakdown maintenance will be carried out on site. Emergency procedures and spillage kits will be available and construction staff will be familiar with emergency procedures.
- Appropriate containment facilities will be provided to ensure that any spills from vehicles are contained and removed off site. Adequate stocks of absorbent materials, such as sand or commercially available spill kits shall be available;
- Concrete or potential concrete contaminated water run-off will not be allowed to enter any watercourses. Any pouring of concrete (delivered to site ready mixed) will only be carried out in dry weather. Washout of concrete trucks shall be strictly confined to a designated and controlled wash-out area within the Clondardis Solar Park site; remote from watercourses, drainage channels and other surface water features;
- Entry by plant equipment, machinery, vehicles and construction personnel into watercourses or wet drainage ditches shall not be permitted. All routes used for construction traffic shall be protected against migration of soil or waste water into watercourses;
- Cabins, containers, workshops, plant, materials storage and storage tanks shall not be located near any surface water channels and will be located beyond the 50m hydrological buffer at all times.

7.0 Access Routes to Work Area

The proposed grid connection will be all UGC. The majority of the proposed underground cable will be installed within the public road network and therefore will be accessed via the existing road network. Where the cable route is located on private lands, contractor(s) will be required to utilise the local public road network in the vicinity of the work area and from there utilise private farm tracks, where appropriate.

Prior to the commencement of development, precise access arrangements will be agreed with the respective landowners.

A detailed Traffic Management Plan will be prepared, and agreed with Westmeath County Council, prior to the commencement of construction. Some work areas will require a road closure, particularly on the L70152, where it is not possible to safely implement a Stop/Go system. Where road closures are necessary, a suitable diversion will be implemented using appropriate signage, following consultation with Westmeath County Council.

Access routes will be carefully selected to avoid any damage to land. Local consultation will be carried out with all relevant landowners to ensure that any potential disturbance will be minimised. Prior to the commencement of construction, the contractor will assess all access routes and determine the requirement for bog mats. Any such requirements will be incorporated into the relevant method statement.

Image 13: Temporary Aluminium Panel Tracks

8.0 Traffic Management

Traffic management and road signage will be in accordance with the Department of Transport: Traffic Signs Manual - Chapter 8: Temporary Traffic Measures and Signs for Road Works (2019) and in agreement with Westmeath County Council. All work on public roads will be subject to the approval of a road opening license application. The contractor will prepare detailed traffic management plans for inclusion as part of the road opening applications.

Where road widths allow, the UGC installation works will allow for one side of the road to remain open to traffic at all times by means of an automated 'Stop/Go' traffic management system, where a minimum 2.5m-3m roadway will be maintained at all times. The 'Stop/Go' system will be implemented along the R393, L1701 and L5802. Temporary traffic signals will be implemented, on the approach and through the works area, to allow road users safely pass through the works area by channelling them onto the open side of the road.

Typically, the UGC will be installed in 200m sections, and no more than 100m will be excavated without the majority of the previous section being reinstated. Where the construction requires the crossing of a road, works on one carriageway will be completed before the second carriageway is opened, to maintain traffic flows.

All construction vehicles will be parked within the works area so as not to cause additional obstruction or inconvenience to road users or residents. The traffic signals will be in place prior to the works commencing and will remain in place until after the works are completed. The public road will be checked regularly and maintained free of mud and debris. Road sweeping will be carried out as appropriate to ensure construction traffic does not adversely affect the local road condition.

In the event of emergency; steel plates, which will be available on site, can be put in place across the excavation to allow traffic to flow on both sides of the road, if required.

All traffic management measures will comply with those outlined in the accompanying Traffic Management Report and will be incorporated into a detailed Traffic Management Plan to be prepared, in consultation with Westmeath County Council, prior to the commencement of development.

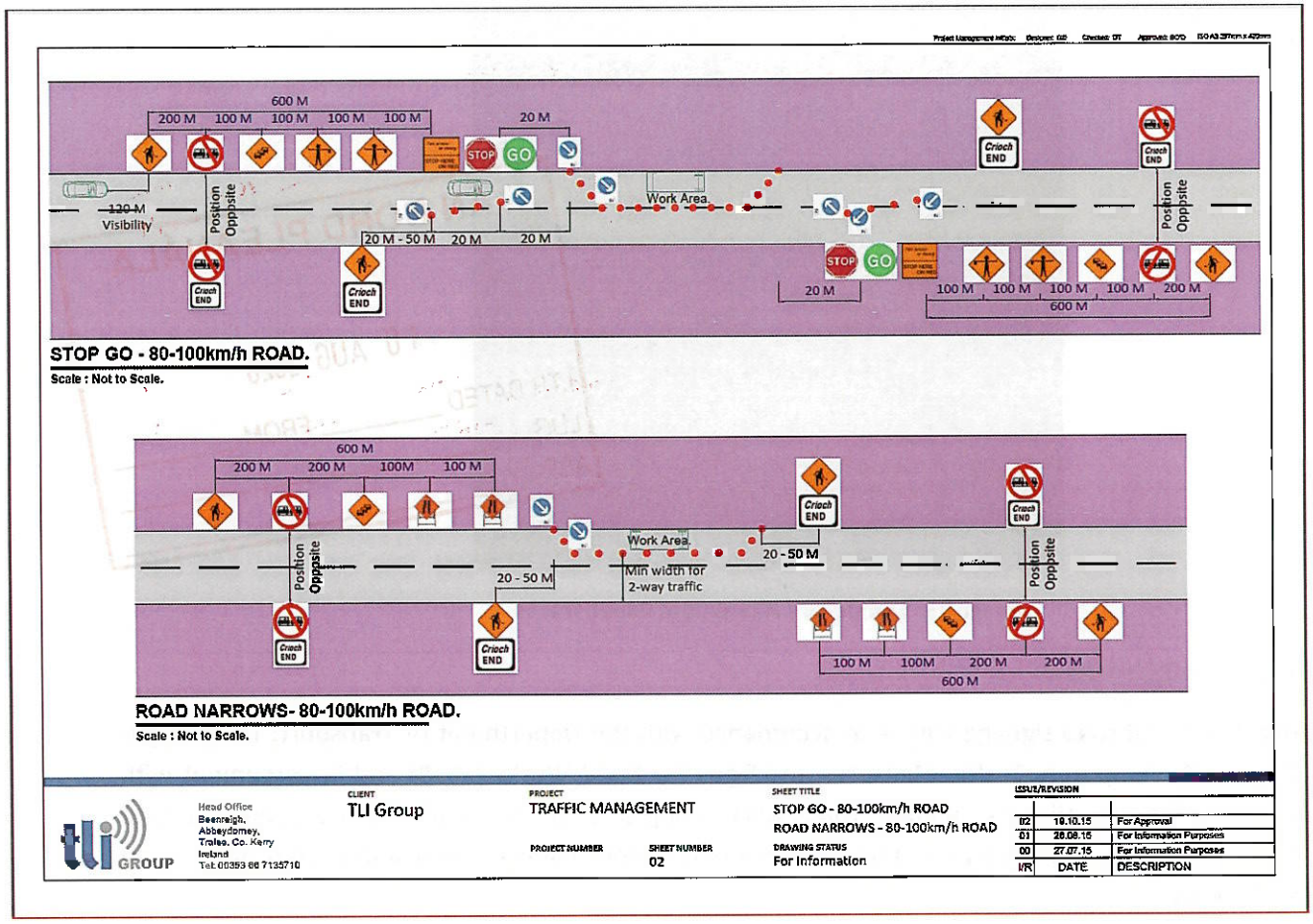


Image 14. Sample Traffic Management Layout

9.0 Road Opening Licence

The proposed UGC works will require a road opening licence under Section 254 of the Planning and Development Act 2000-2015 from Westmeath County Council. A Traffic Management Plan (TMP) will be agreed with Westmeath County Council prior to the commencement of the development. This TMP will outline the location of traffic management signage, together with the location of any necessary road closures and the routing of appropriate diversions. Where diversions are required, these will be agreed with Westmeath County Council in advance of the preparation of the TMP.

10.0 Relocation of Existing Services

In order to facilitate the installation of the proposed UGC, it may be necessary to relocate existing underground services such as water mains, gas networks or existing cables. In advance of any construction activity, the contractor will undertake additional surveys of the proposed route to confirm the presence or otherwise of any services. If found to be present, the relevant service provider will be consulted with in order to determine the requirement for specific excavation or relocation methods and to schedule a suitable time to carry out works.

11.1 Underground Cables

If existing underground cables are found be present, a trench will be excavated, and new ducting and cabling will be installed along the new alignment and connected to the network on either end. The trench will be backfilled with suitable material to the required specification. Warning strip and marking tape will be laid at

various depths over the cables as required. Marker posts and plates will be installed at surface level to identify the new alignment of the underground cable, with the underground cables will then be re-energised.

11.2 Gas Networks

Consultation with Gas Networks Ireland must take place before starting works where gas pipes are present. Gas Networks Ireland will advise on the safety measures required and will arrange for the exact location of the pipe to be marked out on site.

11.3 Water Mains

The water supply will be turned off by the utility so work can commence on diverting the service. The section of existing pipe will be removed and will be replaced with a new pipe along the new alignment of the service. The works will be carried out in accordance with the utility standards.

11.0 Reinstatement of Private Land

Once all construction works are complete, the work areas will be reinstated with excavated soil and either seeded out with native species, allowed to vegetate naturally or reinstated with excavated grass turves and will be restored to their original condition. This work will be carried out in in consultation with the landowner and in line with any relevant measures outlined in the planning application, CEMP and planning conditions.

12.0 Implementation of Environmental Protection Measures

All environmental protection measures contained with the EIAR/EIS which accompanies the planning application will be incorporated into a detailed CEMP and construction method statements prior to the commencement of development and will be implemented in full during the construction phase. The Project Manager and Site Manager will be responsible for the implementation of measures following consultation with the Environmental Manager and ECoW where necessary.

13.0 Invasive Species Best Practice Measures

Invasive species can be introduced into a location by contaminated plant, machinery and equipment which were previously used in locations that contained invasive species. Good site organisation and hygiene management shall be maintained always on site, and best practice measures will be implemented, as follows:

- The contractor will prepare an Invasive Species Action Plan to be implemented during construction, and all personnel will be made aware of the requirements contained within;
- Plant and machinery will be inspected upon arrival and departure from site and cleaned/washed as necessary to prevent the spread of invasive aquatic / riparian species such as Japanese knotweed *Fallopia japonica* and Himalayan Balsam *Impatiens glandulifera*. A sign off sheet will be maintained by the contractor to confirm the implementation of measures;
- Site hygiene signage will be erected in relation to the management of non-native invasive material.

14.0 Waste Management

All waste products (general waste, plastic, timber, etc.) arising during the construction phase will be managed and disposed of in accordance with the provisions of the Waste Management Act 1996 and associated amendments and regulations, and a Waste Management Plan will be prepared by the contractor prior to the commencement of construction. All waste material will be disposed of at a fully licensed facility.

FEHILY TIMONEY
30 YEARS

CONSULTANTS IN ENGINEERING,
ENVIRONMENTAL SCIENCE & PLANNING

APPENDIX 4

Targeted Archaeological Impact Assessment prepared by John Cronin & Associates

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28/05/2020

Mr Steve McCarthy
Fehily Timoney and Company-
Core House
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Cork
T12 D773

Re. Appeal to An Bord Pleanála in relation to Section 5 Declaration to determine whether an 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, County Westmeath is or is not exempted development (Westmeath County Council Ref. S5-9-20)

Dear Mr McCarthy,

Further to recent correspondence, I wish to confirm that we have liaised with designers with TLI Group in order to advise on measures to reduce and/or eliminate the potential for archaeological impacts within the *zone of notification* associated with a recorded monument, ringfort (recorded monument reference WM019-087----), in the townland of Walshestown North, County Westmeath.

I note that the supplementary detail and drawings generated by TLI Group indicates that the depth of the cable trench will be reduced for the portion of the scheme that traverses the monument and its associated *zone of notification.* We are more than satisfied with this approach and note that the construction and maintenance of the existing road has likely obliterated any trace of the south-western portion of the former ringfort. By confining the trenching to the footprint of the roadway, the potential for archaeological impacts is likely to be *extremely low*.

We also note that the clients are committed to appointing a suitably-qualified archaeologist to apply to the National Monuments Service for an archaeological licence to undertake monitoring of works within the zone of notification of the monument.

It should be noted that in the event that any unrecorded archaeological deposits, features or artefacts are uncovered during monitoring the preferred policy of the National Monuments Service is for *preservation in situ*. Where avoidance of identified archaeological sites or features is not possible, they must be *preserved in record* by a systematic archaeological excavation. During the construction phase, if the need arises, further measures in relation to any uncovered archaeological materials will be discussed and agreed with the National Monuments.

We must stress that we believe that the potential for a negative impact on archaeological deposits at Walshestown North to be extremely low to non-existent, especially in light of the clarifications provided by TLI Group. As outlined in our assessment of the cable route scheme (prepared in May 2020), we note that the "construction and maintenance of the existing public road network likely resulted in significant disturbance to the substrata underlying the public road."

Finally we note that An Bord Pleanála will be aware that in deciding on whether the proposed works constitute "development" or not, that works in the vicinity of the recorded monument will be notifiable to the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht under Section 12 of the National Monuments (Amendment) Act, 1994. This notification will be achieved through the application for an archaeological licence to cover archaeological monitoring/investigations at this location. The decision of An Bord Pleanála on the matter of what constitutes "development" will not obviate the responsibility and legal duty of the applicant to conform with the requirements of the National Monuments Code.

I trust this is in order and of assistance.

Yours sincerely,

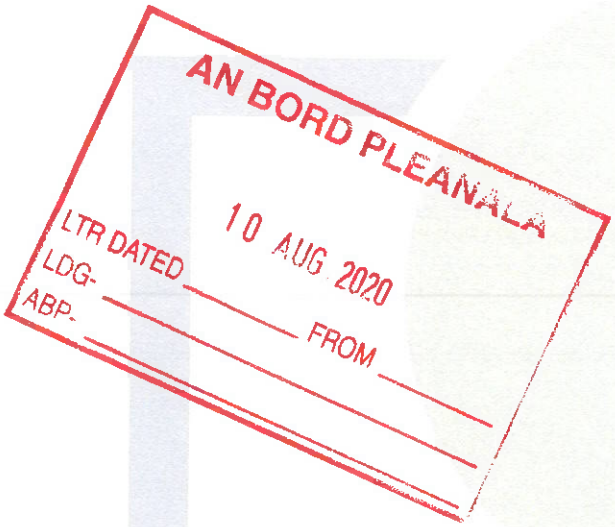
John Cronin
Managing Director, John Cronin & Associates

FEHILY TIMONEY
30 YEARS

CONSULTANTS IN ENGINEERING,
ENVIRONMENTAL SCIENCE & PLANNING

APPENDIX 5

Original Section 5 Declaration submitted to Westmeath County Council



FEHILY TIMONEY
30 YEARS
CONSULTANTS IN ENGINEERING, ENVIRONMENTAL SCIENCE & PLANNING

Planning Department
Westmeath County Council
Aras An Chontae
Mount Street, Mullingar
Co. Westmeath
N91 FH4N

Our Ref: P20-048/Lett/SMC/MG

29 May 2020

Re: Section 5 Declaration Application:

Whether the provision of a circa. 5.1 km underground grid connection within the corridor of public roads and private lands which links a permitted solar farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is or is not development and is or is not exempted development.

Dear Sir/Madam,

1.0 Introduction

This application for a declaration of exemption under Section 5 of the Planning and Development Act 2000 (as amended) [PDA] is submitted by Fehily Timoney & Company, Core House, Pouladuff Road, Cork on behalf of the applicant, Harmony Solar Mullingar Limited, of Ballyseskin House, Ballyseskin, Kilmore, Co. Wexford.

The application seeks confirmation pursuant to Section 5 of the PDA that a circa An 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is development and is exempted development.

We advise the Council that a separate application for permission is also being lodged to the Planning Authority relating to amendments to the permitted solar farm planning permission (Reg. Ref. 176239 & PL25M.301116).

Correspondence on this application should be sent to Fehily Timoney at the above address. We include a cheque for the sum of €80 in respect of the statutory declaration fee.

Cont'd...

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2.0 Schedule of Documents

The following are included with this application:

- Cheque for the sum of €80 (Section 5 Declaration Application Fee)
- 2 no. Copies of Westmeath County Council Application Form for Declaration under Section 5 of the Planning and Development Act 2000 (As amended)
- 2 no. Copies of Landholder Letter of Consent for permitted Clondardis Solar Farm included in Appendix 2 of this document
- 2 no. Copies of Overall Site Plan @ 1:5000 prepared by TLI Group
- 2 no. Copies of Site Layout Plan (3 Sheets) @ 1:2500 prepared by TLI Group
- 2 no. Copies of Site Sections and Details (Various scales) prepared by TLI Group
- 2 no. Copies of Appropriate Assessment Screening Report prepared by Fehily Timoney & Company
- 2 no. Copies of the Construction Methodology Report prepared by TLI Group
- 2 no. copies of Archaeological Report prepared by John Cronin & Associates

3.0 Site Location and Context

The proposed development consists of an Underground Grid Cabling (UGC) route from the ESB owned Mullingar 110kV substation at the townland of Irishtown in Mullingar, Co. Westmeath.to the approved, Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath (ABP PL25M.301116 [WCC Reg. Ref. 176239]). The total length of the UGC route is c. 5.1 km and route is presented below in figure 3.1.

The landscape of the study area is a mix of both rural and urban in nature. The start of the route runs along the north west and western outskirts of Mullingar town. As the route progresses to the west the surrounding area becomes more rural with the area dominated by agricultural fields and hedgerows. Residential dwellings and farms are frequent along the route and throughout the surrounding land. The proposed cable route does not cross any watercourses.

The land use classifications for the surrounding area as defined by the 2018 CORINE landcover dataset[1] are: 231 'Pasture' & 211 'Arable Land'.

The Planning Regulations do not require permission from the landholder for a Section 5 declaration of exempted development, notwithstanding this, we have enclosed letters of consent from the landholders of the consented Clondardis Solar Farm site. As permitted under ABP Reg. Ref. PL25M.301116 (WCC Reg. Ref. 176239) These are enclosed in Appendix

[1] https://gis.epa.ie/EPAMaps/ Accessed 26/05/2020

The c. 5.1 km UGC route can be broken down into 4 no. sections:

Table 3-1: Sections of Route and Length of each Section

Section 1	Section 2	Section 3	Section 4
796m	3,195m	409m	704m

Section 1 (Mullingar Substation to R393 Road)

The UGC route begins at the 110kV Mullingar substation in Irishtown, Mullingar Co. Westmeath and exits from the main entrance to the local public roadway network (L1801) and located in the carriageway of the road. Immediately after leaving the Mullingar 110kV Substation the UGC route passes through a residential area. The UGC route will continue in a south westerly direction until it meets the R393.

Section 2 (R393 Road)

Having changed to a north west direction the UGC runs along the Regional R393 road for approx. 3195m. The route passes the water treatment plant for Mullingar. The route continues in this direction until it meets the local L5802 road and changes to a southerly direction.

Section 3 (L5802 Local Road)

Section 3 of the grid connection is an UGC from the R393 to the solar park site in the local road. The UGC stays in the L5802 carriage way for the entirety of this section.

Section 4 (L5802 Local Road to Clondardis Solar Farm)

The proposed UGC from the L5802 Road to the Clondaris Solar Park substation will be routed through the solar park and located within or immediately adjacent to the internal road network which will be constructed as part of the permitted solar park development.

AN BORD PLEANÁLA

4.0 Planning History of Route

The proposed UGC seeks to connect the permitted Clondardis Solar farm with the Mullingar 110kV substation. Clondardis Solar Farm was granted by the Planning Authority under Reg. Ref. 176239 in February 2018. Following a third-party appeal against the decision under ABP Reg. Ref. PL25M.301116, An Bord Pleanála granted permission to the development on 15th February 2019 with 18 no. conditions attached. A revised planning application seeking minor modifications to the permitted solar farm within the same red line boundary is to be submitted to Westmeath County Council concurrently alongside this Section 5 Declaration. Condition #4 of the Board's grant of permission removed restrictions to grid connection by underground cable which had been sought in the grant of permission by Westmeath County Council.

In addition to the above, the following relevant planning applications are noted in the vicinity of the proposed grid cabling route.

Reg. Ref.	Decision	Description
055291	Granted	Alterations to the existing 110 kv electrical transformer station.
206121	Pending	Upgrade, reorientation and expansion of previously permitted electricity substation granted as park of Coole Wind Farm (under Pl. Ref 17/6292; ABP Ref PL25M/300686) in the townland of Camagh (Fore by). The laying of underground cabling predominantly along the public road corridor to facilitate the connection to the national grid of the permitted wind farm along a route measuring approximately 26/.4 kilometres, through the townlands listed above, between the proposed substation in the townland of Camagh (Fore by) and the exiting Mullingar 110kV substation in the townland of Irishtown. The proposed route for this planning application follows a different route to the route proposed for Clondardis Solar Farm.

Applications such as extensions and one-off single dwellings in the vicinity of the proposed cabling route were not considered relevant due to the nature and scale of the developments.

5.0 Development Description

An 5.1km underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath

As detailed in Section 3.0 above, the majority of the works will be installed in the public road network. The proposed UGC works will require a road opening licence pursuant to Section 254 of the Planning and Development Act 2000 (as amended) and relevant Roads Acts.

The proposed UGC works will consist of the installation of no. 110mm diameter HDPE power cable ducts and 1 no. 110mm diameter HDPE communications duct to be installed in an excavated trench, typically 600mm wide by 1,220mm deep, with variations on this design to adapt to bridge crossings, service crossings and watercourse crossings. There are no watercourse crossings along the route of the 5.1 km UGC. The power cable ducts will accommodate 3 no. power cables. The communications duct will accommodate a fibre cable to allow communications between the Clondaris Solar Park substation and Mullingar 110kV substation. The ducts will be installed, the trench reinstated in accordance with landowner/Westmeath County Council specification, and then the electrical cabling/fibre cable is pulled through the installed ducts in approximately 650/750m sections. Construction methodologies to be implemented and materials to be used will ensure that the UGC is installed in accordance with the requirements and specifications of ESB.

Joints Bays are to be provided approximately every 650m - 750m along the UGC route to facilitate the jointing of 2 no. lengths of UGC. Joint Bays are typically 1.6m x 4.5m x 1.275m pre-cast concrete structures installed below finished ground level. The installation of the electrical cabling/fibre cable is pulled through the installed ducts in approximately 650/750m sections. All excavated material will be temporarily stored adjacent to the trench prior to re-use in the trench (where applicable).

We refer the Planning Authority to the enclosed Construction Methodology prepared by the TLI Group for further information regarding the proposed grid connection and its route.

6.0 Legislative Context

The Planning and Development Regulations, 2001, as amended ('Planning Regulations'). have specified several works and use classes whereby if a proposal falls into the specified classifications, these works are normally considered exempted development.

Section 2(1) of the Planning and Development Act, 2000, as amended ('Planning Act') defines "*works*" as;

> *"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

Further to this, Section 3(1) of the Planning Act states as follows:

> *"Development" in this Act means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in use of any structures or other land.*

The relevant exemption for the proposed grid connection works is provided pursuant to **Article 6 and Class 26 of Part 1 of the Second Schedule of the Planning Regulations.** The exemption under Class 26 is in the following terms:

> *"The carrying out by any undertaker authorised to provide an electricity service or development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking"*
> [Class 26, Column 1]

No conditions (Column 2) attach to this class of exempt development.

Article 3(3) of the Planning Regulations states that an electricity undertaking means

> *"an undertaker authorised to provide an electricity service"*

Section 2(1) of the Planning Act defines "statutory undertaker" as;

> *"Statutory undertaker" means a person for the time being, authorised by or under any enactment or instruction under an enactment to (b) provide, or carry out works for the provision of gas, electricity or telecommunications services."*

It is acknowledged that an electricity generator qualifies as a statutory undertaker in the context of class 26 development.

We refer the Planning Authority to the relevant case of in Johnstownbridge, Co Kildare Reg. Ref. ED00656 (PL09.302895) which ABP declared a grid connection for a solar farm as exempted development and which the Inspector found that the applicant (Power Capital Renewable Energy Ltd):

> *"...falls within the category of statutory undertaker on foot of its authorisation under the Planning Act to construct a solar farm that is a project for the provision of electricity."*

Harmony Solar Mullingar Limited as the owner of the permitted Clondardis Solar Farm thus qualify as a statutory undertaker.

It should be further noted that Class 26 allows for 'other apparatus' in addition to pipes and cables.

Article 6(1) of the Planning Regulations states the following:

> *"Subject to article 9, development of a class specified in column 1 of part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1."*

There are no conditions or limitations on this exemption under column 2 of Class 26, other than those contained under Article 9 of the Planning Regulations which are looked in greater detail in section 6.1 below.

6.1 Compliance with Article 9 of the Planning Regulations

The relevant restrictions and responses to each under Article 9 of the Planning Regulations are outlined below:

9(1)(a)(i) ***Contravene a condition***

The proposed development does not contravene any condition of the extant permission under the solar farm parent permission under ABP Ref. PL25M.301116 (176239) or any other conditions of Planning.

9(1)(a)(ii) ***Formation, Laying Out or Materially Widening a means of Access to a public road which exceeds 4m in width.***

The proposed development does not result in the creation of any new access or material widening of any roadway. The proposed underground cable is to be laid underneath the existing public road, private owned property and private access tracks.

9(1)(a)(iii) ***Traffic Hazard / Obstruction***

The development, being for the most part an underground cable, would have no impact on traffic safety. The development requires a road opening licence which will ensure that all matters related to construction of the development are managed to the highest standards.

Please see the enclosed Outline Construction Methodology prepared by TLI Infrastructure Consultancy which outlines the traffic management proposals which include a 'Stop/Go' system while the cable will be installed in 100m sections. TLI Group have contacted the Roads Department of Westmeath County Council (See Appendix 1). Unfortunately no response was received from the Roads Department on the proposals.

9(1)(a)(iv) ***Construction of structure ahead of existing building line***

Not relevant to the proposed development.

9(1)(a)(v) Works under public road other than works to which class 25, 26 or 31 (a) of column 1 of Part 1 of Schedule 2 applies.

The proposed development relates to works under class 26 of column 1 of Part 1 of Schedule 2 of the Planning Regulations. As such, works are not restricted by Article 9(1)(a)(v)

9(1)(a)(vi) Character of landscape and views of special amenity

The proposed development does not affect the character of the surrounding landscape or affect any views of areas of special amenity given the nature of the proposed development. The proposed development is primarily located under the existing public road and exiting private land.

The proposed development is to be located in the 'Central Hills and Lakes' Eastern Landscape Character Area which is identified in the Westmeath County Development Plan 2014 – 2020.).. Overall the the sensitivity of the landscape in which the site is located considered to be in the order of **Medium-low** having regard to the landscape character and working agricultural nature of the area.

Part of the underground cable passes through the Area of High Amenity designated around Lough Owel along the R393 regional road. Given the development is to be provided underground, no impact to the character of the landscape or the high amenity area is envisioned from the proposed development. No designated 'Important Amenity Views' are located near the proposed UGC or overlook the proposed UGC.

During the construction phase of the UGC route, excavated material will be temporarily stockpiled onsite for re-use during reinstatement. Stockpiles will be restricted to less than 2m in height. Due to the minor height of the stockpiles there will be no impact to the character of the landscape or high amenity area during the construction phase.

9(1)(a)(vii A-C) Excavation, alteration or demolition to items of archaeological, geological, historical, scientific or ecological interest, RMP's, Requires AA or impacts an NHA

There are four recorded archaeological sites at two separate locations or their associated Zone of Notification (ZON) recorded on the RMP within 100m of the proposed UGC. One of these (Ringfort Ref. WM019-087----) is located in the townland of Walshestown North is dissected by the R393 regional road which is to carry the proposed UGC.

The potential for the survival of previously unrecorded archaeological remains is deemed to be low along the vast majority of the UGC.

None of the archaeological or heritage structures will be affected by the proposed development due to the nature of works within the existing road surface with the exception of the ringfort along the R393.

At this location it is recommended that all ground excavations associated the UGC which are undertaken within the Zone of Notification of this monument be subject to archaeological monitoring.

The report outlines that no archaeological mitigation is recommended for the portions of the UGC route which are carried by the public road and which do not extend through the *Zone of Notification* (ZON) of any recorded archaeological site.

For further detail of these sites we refer the Planning Authority to Appendix 2 of the enclosed Archaeological Assessment by John Cronin & Associates

There is one Protected Structure listed on the Westmeath County Council Record of Protected Structures (RPS) within 500m of the proposed cable route. Slanemore House (RPS Ref. 018-032) is located in Slanemore along the R393 c. 380m to the west of the UGC.

There is one structure listed on the NIAH within 500m of the proposed route. The Walshetown Roman Catholic Church (Ref. 15401817) is located c. 40m to the north of the R393 at Walshetown.

For further detail on the NIAH structures we refer the Planning Authority to the enclosed Archaeological Assessment by John Cronin & Associates.

The proposed development does not affect any NHA's. As outlined in Section 8.0 below the proposed development does not require Stage II Appropriate Assessment.

9(1)(a)(viii) Work to unauthorised structure

The proposed development does not consist of any works to an unauthorised structure of unauthorised use.

9(1)(a)(ix) Use of building/Structure supported by Development Plan objective

The proposed development does not affect the use of any building or structure which is supported by an objective of the Westmeath County Development Plan (2014 – 2020). The works are to be located underground on the public road.

9(1)(a)(x) Fencing of land used by public during previous 10 years

The proposed development does not involve the fencing of lands..

9(1)(a)(xi) Public rights of way

The proposed development does not obstruct any public rights of way as it is to be placed underground along the existing public roadway and private access tracks. None of which block existing public rights of way.

9(1)(a)(xii) ***Architectural conservation areas***

The proposed development and subject lands are not located within an area designated as an Architectural Conservation Area (ACA). We refer the Planning Authority to the enclosed Archaeological Assessment prepared by John Cronin & Associates which does not state that the subject lands are located in an ACA.

9(1)(b)(i-iv) ***Special Amenity Area***

The proposed site is not located within an area designated with a Special Amenity Area Order.

9(1)(c) Change of Use

Not applicable to the proposed development.

9(1)(d) Major accident hazards

The proposed development will not have any repercussions on major accident hazards and is not located in any designated Seveso Directive area.

9(2) ***Sub-article (1)(a)(vi) not applicable where development consists of construction of Overhead line not exceeding 100m for conducting electricity from an existing line***

Not applicable to the proposed development.

9(3) ***Sub-article (1)(a)(vii) not applicable which Minister of Government has granted consent***

Not applicable to the proposed development.

7.0 Consultation

The design of the proposed grid connection route and methodology was outlined by email by TLI Group to Westmeath County Council Roads Department. TLI Group sought to arrange a video conference call to discuss given the current circumstances with Covid-19. Unfortunately, no response was received. We refer the Planning Authority to Appendix 1 which shows the email correspondence from TLI group to the Roads Department seeking discussion on the proposals

8.0 Environmental Impact Assessment

Section 4(4) of the Planning Act effectively de-exempts normal exemptions if a development requires Environmental Impact Assessment or Appropriate Assessment.

The requirement for EIA of certain types of proposed development (is transposed into Irish legislation under the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended).

Section 172(1) of the Planning Act states that:

> *"An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be in respect of an application for consent for –*
>
> *(a) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which exceeds a quantity area, or other limit specified in that Schedule, and,*
>
> *(b) Proposed development of a class specified in Schedule 5 to the Planning and Development Regulations 2001 which does not exceed a quantity, area or other limit specified in that Schedule but which the planning authority or the Board determines would be likely to have significant effects on the environment."*

The proposed development of approximately 5.1km of underground cable would not result any significant effects on the environment due to the characteristics, location and lack of impact from the proposed development. This is in accordance with the criteria laid down in Schedule 7 of the Planning Regulations. The proposed development of the grid connection is similar in scale to other connections which also did not require EIA and were accordingly deemed exempted development.

We refer the planning Authority once again to the relevant case in Johnstownbridge, Co Kildare Reg. Ref. ED00656 (PL09.302895) whereby the Inspector found that:

> *"having regard to the limited nature and scale or works involved, the provision of the medium voltage grid connection between the solar farm development permitted under ref no. 16/1265 and the Dunfirth ESB substation is not likely to have significant effects on the environment"*

Having regard to Schedule 5 Part 1 & Part 2 and Article 103 of the Planning Regulations, the proposed development of approximately 5.1 km of underground cable does not require EIA to be undertaken.

In the context of the O'Grianna judgement (O'Grianna and others v An Bord Pleanála) it should be noted that the original solar farm was not subject to EIA and is not a prescribed class of development for the purposes of EIA.

Both the development of the solar farm and proposed grid connection in combination would not require EIA to be undertaken thus this judgement is not applicable.

8.0 Appropriate Assessment Screening

As outlined in Section 6.0 above, Section 4 (4) of the Planning Act effectively de-exempts normal exemptions if a development requires Environmental Impact Assessment or Appropriate Assessment.

Section 177U(9) of the Planning Act states:

> *"In deciding upon a declaration or a referral under Section 5 of this Act a Planning Authority or the Board, as the case may be shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section".*

In order to inform the planning authority in their determination on whether or not the installation of the proposed underground cable under the existing public roadway and private tracks would have any negative impact on the surrounding area and in accordance within Article 6 of the Habitats Directive, FT has carried out Stage 1 Appropriate Assessment in accordance with the Habitats Directive. There are 2 NHAs and 8 pNHAs within 10 km of the solar farm site The proposed grid connection route does not traverse or lie adjacent to any sites of National importance. The closest is Walshestown Fen pNHA (001731), which is located c.0.2km to the east of the proposed grid connection and solar farm site. Four of the pNHAs are also designated as European sites.

In total 12 no. European Sites were identified within an area of 15km from the proposed route. We refer the Planning Authority to the enclosed Appropriate Assessment Screening Report which concludes that:

> *"It is concluded beyond reasonable scientific doubt that there are not likely to be significant effects from the project on the following European sites identified for consideration (or any other European site), either alone or in combination with other plans or projects. Therefore, these 12 European sites have been 'screened out' within the Stage 1: Appropriate Assessment Screening Report and do not require further study within a Stage 2: Natura Impact Statement:"*

The submitted AA screening report finds the 12 no. European sites can be 'screened out' within the Stage 1: Appropriate Assessment Screening Report and do not require further study within a Stage 2: Natura Impact Statement.

9.0 Conclusion

Having regard to:

- Sections 2(1), 3(1), 4(4), 172(1) and 177U(9) of the Planning and Development Act, 2000, as amended, and;
- Articles 3, 6 & 9 and Class 26, Part 1, Schedule 2 of the Planning and Development Regulations, 2001, as amended.

We submit the laying underground of approximately 5.1 km of 38kV underground medium voltage cable within the corridor of public roadway between permitted Clondardis Solar Farm at Clondardis and Slane More Townlands, Walshestown, Mullingar, Co. Westmeath to the national grid via the existing ESB Mullingar 110kV substation at Irishtown townland, Mullingar, Co Westmeath is development and is exempted development.

We request Local Planning Authority, under terms of Section 5 of the Planning and Development Act 2000 (as amended) could confirm that this proposed development is exempt development in accordance with the Planning and Development Regulations 2001 (as amended).

Yours sincerely,

Steve McCarthy
for and on behalf of **Fehily Timoney and Company**

Encls.

FEHILY TIMONEY
30 YEARS

Appendix 1

Correspondence to Westmeath County Council Roads Department