



VOLUME 2







VOLUME 3

PLANNING SECTION
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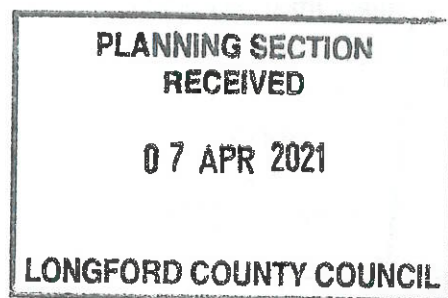




Technical Appendix 1: Outline Construction Environmental Management Plan

Section 5 Application: Cleggill - Longford Underground Cable
Connection

29/03/2021



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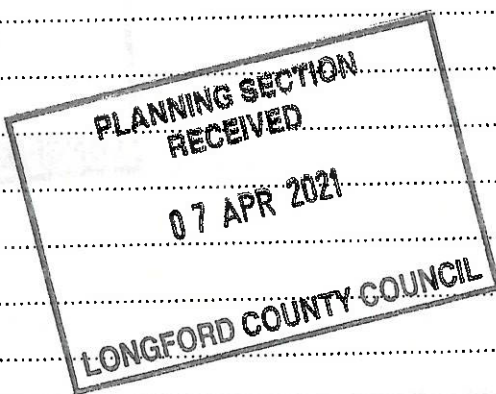
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1. INTRODUCTION



BACKGROUND

- 1.1. Neo Environmental Ltd has been appointed by Grian PV Longford Limited (the "Applicant") to undertake a Preliminary Construction Traffic Management Plan (CTMP) for a proposed grid route connection from the consented Cleggill Solar Farm (Planning Reference 17/47) to the nearest 38kV Longford Substation (the "Proposed Development").

DEVELOPMENT DESCRIPTION

- 1.2. The Proposed Development will consist of the construction of an underground medium voltage grid connection cable from the consented Cleggill Solar Farm to the Longford 38kV Substation. The construction phase takes place in line with the following criteria:
- The grid connection is to be installed from the solar farm along c. 3.8km of public road, with the construction carried out in sections of no more than 100m at any one time. A new 100m section of works will only be excavated once the majority of reinstatement has been completed on the previous section, ensuring only one section is fully opened at any one time. The excavation, installation and reinstatement process for each 100m section will take an average of one day to complete;
 - The excavated trench will be approximately 60cm in width and approximately 120cm deep, within the public road network and within the consented developments;
 - The base of the excavated trench will be lined with sand bedding to be imported to site from a local licensed supplier. 11cm diameter high-density polyethylene (HDPE) cable ducting will be placed into the prepared trench, which will be inspected and backfilled;
 - It is anticipated that this work will be undertaken along the side of the road, within the road corridor;
 - No installation will take place during extreme weather warnings. No construction personnel, operation or maintenance personnel will be permitted to carry out any works during extreme flood events;

- Following the installation of ducting, pulling the cable will take approximately two days between each joint bay, with the jointing of cables taking approximately two days. The jointing bays will be located approximately 650 to 750m apart; and
- Where required, grass will be reinstated by either seeding or by replacing with grass turf.

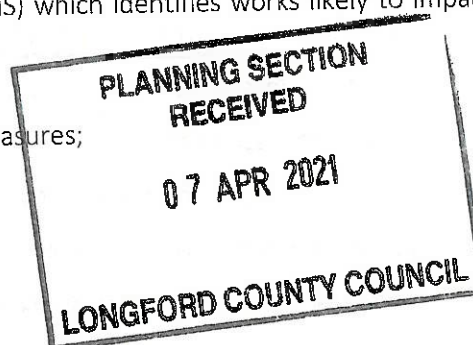
SITE DESCRIPTION

- 1.3. The Proposed Development will run from the consented Cleggill Solar Farm to the nearest 38kv Longford Substation in County Longford running through the townlands of Cleggill, Lismore, Cartrons, Moneylagan, Aghadegan and Minard.

SCOPE OF THE ASSESSMENT

- 1.4. This OCEMP has been produced in support of a Section 5 Application to Tipperary County Council and includes:

- A Construction method statement (CMS) which identifies works likely to impact upon water quality;
- Pollution prevention and mitigation measures;
- Drainage Management Plan; and
- Waste management.



- 1.5. The OCEMP has been prepared with reference to the other assessments which have been undertaken in support of the Section 5 application, these include: Construction Traffic Management Plan (CTMP) and the Appropriate Assessment (AA) Screening report. Following the approval of planning consent, this OCEMP will be developed by the contractor and be amended where necessary.
- 1.6. The Applicant will appoint a main contractor who will be responsible for the construction of the Proposed Development. The contractor will ensure that all measures and mitigation identified within this OCEMP are taken into account and implemented during the construction and decommissioning phases. In addition, the OCEMP will be monitored regularly throughout the duration of the construction phase to ensure best practice is implemented.
- 1.7. A Site Manager will be appointed and will be in charge of activities on site, including personnel. They will ensure that all personnel on site follow and adhere to the procedures outlined within the OCEMP.

STATEMENT OF AUTHORITY

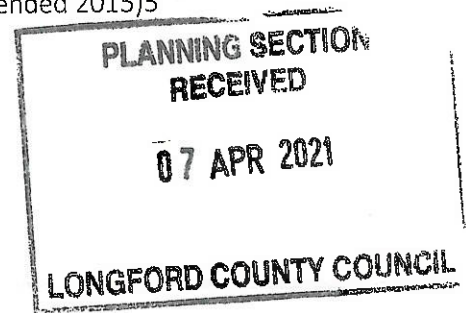
- 1.8. This OCEMP has been produced by Neo Environmental, with input from Michael McGhee BSc TechIOA. Neo Environmental have produced detailed OCEMPs for a range of development types, including for over 1GW of solar farm developments and associated infrastructure across the UK and Ireland.



2. LEGISLATION

2.1. Current legislation has been taken into consideration during the production of this OCEMP. The legislation covers all relevant areas including; water pollution, wildlife species protection, waste and noise. In the case of the Proposed Development, the following legislation has been considered:

- The Local Government (Water Pollution) Act 1977¹
- The Local Government (Water Pollution) (Amendment) Act 1990²
- EC (Water Policy) (Amendment) Regulations, 2003³
- The Wildlife Act 1976 (amended 2000)⁴
- EC (Birds and Natural Habitats) Regulations 2011 (amended 2015)⁵
- Protection of the Environment (POE) Act 2003⁶
- Environmental Noise Regulations 2006⁷
- Environmental Protection Agency Act 1992⁸
- Waste Management Acts (WMA) 1996 to 2005⁹
- Waste Management (Hazardous Waste) Regulations 1998¹⁰



¹ Office of the Attorney General (1977). Local Government (Water Pollution) Act 1977. Available at www.irishstatutebook.ie

² Office of the Attorney General (1990). Local Government (Water Pollution) (Amendment) Act 1990. Available at www.irishstatutebook.ie

³ Office of the Attorney General (2003) S.I. No. 722/2003 – European Communities (Water Policy) Regulations 2003, as amended 2014. Available at www.irishstatutebook.ie

⁴ Office of the Attorney General (1976) Wildlife Act 1976 (amended 2000), available at www.irishstatutebook.ie

⁵ Office of the Attorney General (2011) European Communities (Birds and Natural Habitats Regulations 2011 (amended 2015), available at www.irishstatutebook.ie

⁶ Office of the Attorney General (2003) Protection of the Environment Act 2003. Available at www.irishstatutebook.ie

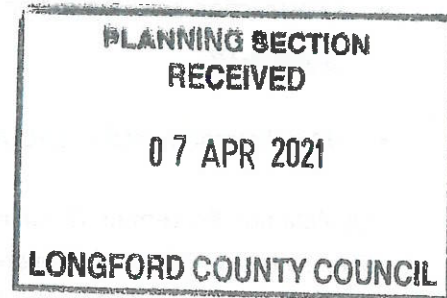
⁷ Office of the Attorney General (2006) Environmental Noise Regulations 2003. Available at www.irishstatutebook.ie

⁸ Office of the Attorney General (1992) Environmental Protection Agency Act 1992. Available at www.irishstatutebook.ie

⁹ Office of the Attorney General (1996) Waste Management Act 1996, as amended. Available at www.irishstatutebook.ie

¹⁰ Office of the Attorney General (1998) S.I. No. 163/1998- Waste Management (Hazardous Waste) Regulations 1998. Available at www.irishstatutebook.ie

- Carriage of Dangerous Good by Road Act 1998¹¹
- EC Environmental Objectives (Surface Waters) Regulations 2009¹²
- EC Environmental Objectives (Groundwater) Regulations 2010¹³
- Article 4 of Waste Framework Directive (Directive 2008/98/EC)¹⁴
- Water Framework Directive (2000/60/EC)¹⁵
- 2008/98/EC¹⁶
- Water Framework Directive (2000/60/EC)¹⁷



GUIDANCE

2.2. The Environmental Protection Agency has produced Pollution Prevention Guidelines (PPGs). The most relevant guidelines to the Proposed Development include:

- IPC Guidance Note – Guidance Note on Storage and Transfer of Materials for Scheduled Activities (EPA 2004) (amended 2012, 2013)¹⁸. This guidance note covers tanks, bunds and pipelines which store or transmit potentially polluting substances.
- National Hazardous and Waste Management Plan 2014-2020 (EPA 2014)¹⁹. The plan details guidance on how to prevent, reduce and collect hazardous waste.

¹¹ Office of the Attorney General (1998) Carriage of Dangerous Goods by Road Act 1998. Available at www.irishstatutebook.ie

¹² Office of the Attorney General (2009) European Communities Environmental Objectives (Surface Waters) Regulations 2009. Available at www.irishstatutebook.ie

¹³ Office of the Attorney General (2010) European Communities Environmental Objectives (Groundwater) Regulations 2010. Available at www.irishstatutebook.ie

¹⁴ European Parliament and the Council (2008) Directive 2008/98/EC on waste and repealing certain directives. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0098>

¹⁵ European Parliament and the Council (2000) Directive 2000/60/EC, establishing a framework for community action in the field of water policy. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

¹⁶ European Parliament and the Council (2008) Directive 2008/98/EC on waste and repealing certain directives. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0098>

¹⁷ European Parliament and the Council (2000) Directive 2000/60/EC, establishing a framework for community action in the field of water policy. Available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000L0060>

¹⁸ Environmental Protection Agency, Ireland (EPA) (2004) IPC Guidance Note – Guidance Note on Storage and Transfer of Materials for Scheduled Activities. Available at www.epa.ie

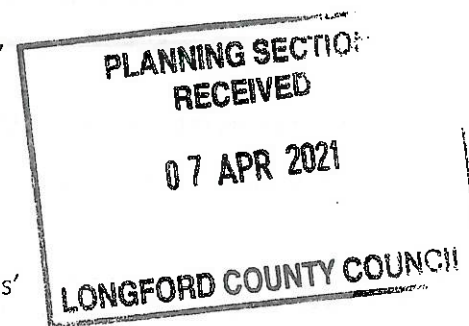
¹⁹ Environmental Protection Agency, Ireland (EPA) (2014) National Hazardous Waste Management Plan 2014-2020. Available at www.epa.ie

2.3. Key guidance from other bodies that are relevant to the Proposed Development construction phase include:

- Best Practice Guide BPGCS005 – Oil Storage Guidelines²⁰
- Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects²¹
- Construction and Demolition Waste Management – a handbook for Contractors and Site Managers²²
- IEMA Environmental Impact Assessment Guide to: Delivering Quality Development²³.

2.4. UK Pollution Prevention Guidelines have also been considered in the production of this plan. The suite of Pollution Prevention Guidelines published by the Scottish Environmental Protection Agency (SEPA), the Environment Agency and the Northern Ireland Environment Agency (NIEA), are considered as a source of information on good practice only. Currently, a review for the PPGs is underway, and will result in a replacement guidance series. However, only some have been completed and therefore a mixture of guidelines and guidance documents are available. These documents provide a sound basis for any OCEMP and can be accessed online.²⁴ The PPGs/GGPs most relevant to the Proposed Development construction phase include:

- PPG1 'General Guide to the Prevention of Pollution'
- GPP2 'Above Ground Oil Storage'
- GGP5 'Works and Maintenance in or Near Water'
- PPG6 'Working at Construction and Demolition sites'
- PPG7 'Safe Storage – The Safe Operation of Refuelling Facilities'



2.5. These PPGs/GGPs provide guidance as to the various environmental considerations and potential mitigation and prevention measures.

²⁰ Best Practice Guide BPGCS005 – Oil Storage Guidelines. Available at www.envirocentre.ie

²¹ Department of the Environment, Heritage and Local Government (2006) Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects. Available at www.envirocentre.ie

²² FÁS and Construction Industry Federation (2002) Construction and Demolition Waste Management – A handbook for Contractors and Site Managers. Available at www.ncdwc.ie

²³ IEMA (2016) EIA Guide to: Delivering Quality Development. Available at: <http://www.iema.net/assets/newbuild/documents/Delivering%20Quality%20Development.pdf>

²⁴ Environmental Guidance (Wales, Scotland, and NI). Available online: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

HEALTH AND SAFETY MANAGEMENT

2.6. A construction works Health and Safety plan should be implemented and followed during construction of the Proposed Development. All work should be carried out in accordance with the following health and safety regulations:

- Safety, Health and Welfare at Work Act 2005²⁵
- Safety, Health and Welfare at Work (Construction) Regulations 2013²⁶
- Safety, Health and Welfare at Work (General Application) Regulations 2007²⁷



²⁵ Office of the Attorney General, 2005. Safety, Health and Welfare Act 2005. Available at www.hsa.ie

²⁶ Office of the Attorney General, 2013. Safety, Health and Welfare at Work (Construction) Regulations 2013. Available at www.hsa.ie

²⁷ https://www.hsa.ie/eng/Legislation/Regulations_and_Orders/General_Application_Regulations_2007/General_Application_Regulations_2007_S_I_2007_.pdf

3. RESPONSIBILITIES

KEY CONTACTS & ROLES

3.1. The detailed CEMP will need to confirm the details outlined in Table 3-1 below.

Table 3 - 1: Key Contacts & Responsibilities

	Name	Role	Address	Name & Contact Details
Developer	Shannon Energy Ltd	To ensure all planning condition requirements are implemented	BLG Financial, 3rd Floor The Boathouse, Bishop Street, Dublin 8	TBC
Contract Manager	TBC	Responsible for the development of the CEMP in line with planning condition requirements	TBC	TBC
Site Manager	TBC	Responsible for the implementation of the CEMP with all site personnel	TBC	TBC
Environmental Compliance Officer	TBC	Responsible for the coordination and development	TBC	TBC
Consulting Engineers	TBC	Responsible for the development of method statements and design	TBC	TBC

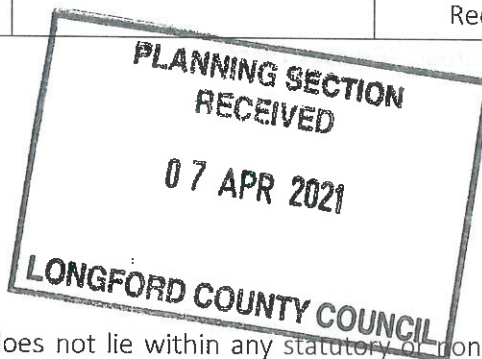
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4. ENVIRONMENTAL SENSITIVITIES

- 4.1. The environmental assessments which were undertaken in support of this Section 5 Application identified some sensitivities within the route corridor.
- 4.2. The key potential environmental impacts associated with the site preparation and construction works are set out in **Table 4-1**. Relevant, potentially sensitive receptors to the works are identified. These potential sensitive receptors, the environmental considerations and potential impacts are to be considered as the basis for a future detailed CEMP.

Table 4-1: Environmental Considerations and Impacts

Environmental Issue	Potential Receptor	Potential Impacts
Water	Waterways adjacent to the Development	Contamination of aquatic environment
Soil	Soil on site	Contamination, compaction & soil degradation Reduced filtration



ECOLOGY

Environmental Designations

- 4.3. The Proposed Development does not lie within any statutory or non-statutory designated environmental sites. There are five Special Areas of Conservation (SACs) and two Special Protection Areas (SPAs) located within 15km of the Proposed Development. The only Natura 2000 designated sites with connectivity to the Proposed Development the Lough Forbes Complex SAC, Lough Ree SAC, Ballykenny-Fishertown Bog SPA, and Lough Ree SPA.
- 4.4. The findings of the Appropriate Assessment (AA) Screening concluded that, in the absence of mitigation, there will be **no significant impacts** to the integrity for any of the Natura 2000 sites from the Proposed Development.

HYDROLOGY

- 4.5. The grid connection is to be kept in the public road, consisting of: the L5003, the L1001, the N5 and the N4. Some works will also be conducted within the consented solar farm (See Figure 1-4 in Volume 2 for the route).
- 4.6. The proposed grid route is within Hydrometric Area 26 (Upper Shannon) of the Irish River Network System and within the Shannon Upper (SC_060) sub catchments.
- 4.7. The cable route will pass through the following river waterbody catchments, as defined by the Water Framework Directive (WFD):
- Camlin_070
 - Camlin_060
- 4.8. The cable route will cross two significant watercourse crossings, both of which are bridge/culvert crossings, where the cable works will be confined to the public highway. These are crossings at the following locations:
- Lisnabo Watercourse
 - Lismore Stream (Crosses Twice)



5. CONSTRUCTION METHOD STATEMENT

INTRODUCTION

5.1. This Construction Method Statement (CMS) outlines the management plan for the construction and decommissioning phases of the Proposed Development. Employed contractors will be instructed on compliance with the contents of this document prior to accessing the site for construction.

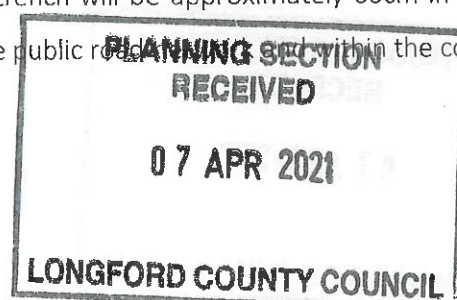
CONSTRUCTION OPERATIONS

5.2. The Proposed Development will be constructed in accordance with standard best practice.

Construction Activities

5.3. The following activities will be undertaken during the construction phase:

- 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 Section 5 application and accompanying reports;
- All existing underground services shall be identified on site prior to the commencement of construction works;
- Traffic management measures will be implemented in accordance with those included in the Preliminary Construction Traffic Management Report, and a detailed Traffic Management Plan will be prepared and agreed with Longford County Council prior to the construction stage;
- The grid connection is to be installed along c. 3.8km of public road, the construction will be carried out in sections of no more than 100m at any one time;
- The excavated trench will be approximately 60cm in width and approximately 120cm deep, within the public road within the consented development;



- The base of the excavated trench will be lined with sand bedding to be imported to site from a local licensed supplier. 11cm diameter high-density polyethylene (HDPE) cable ducting will be placed into the prepared trench, inspected and backfilled;
- It is anticipated that this work will be undertaken along the side verge of the road;
- At watercourse crossings, the contractor will be required to adhere to the environmental control measures outlined within the Section 5 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 the small culvert, the culvert will remain in place and the ducting will be installed above it and provide minimum separation distances in accordance with ESB and Irish Water specifications;
- The proposed development does not involve the draining or modifying of any of the minor or major tributary watercourses;
- No installation will take place during extreme weather warnings. No construction personnel, operation or maintenance personnel will be permitted to carry out any works during extreme flood events;
- No more than a 100m section of trench will be opened at any one time. The second 100m section will only be excavated once the majority of reinstatement has been completed on the first;
- The excavation, installation and reinstatement process will take an average of one day to complete a 100m section;
- Following the installation of ducting, pulling the cable will take approximately two days between each joint bay, with the jointing of cables taking approximately two day. The jointing bays will be located approximately 650 to 750m apart; and
- Where required, grass will be reinstated by either seeding or by replacing with grass turf.

Equipment

- 5.4. Plant equipment required for the construction phase may include but not be limited to the following:

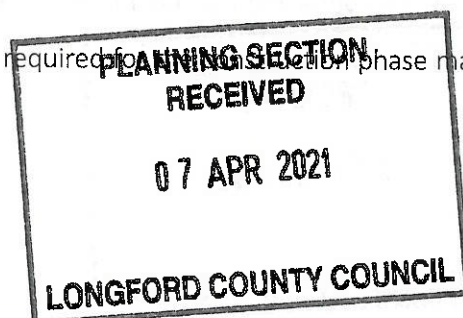
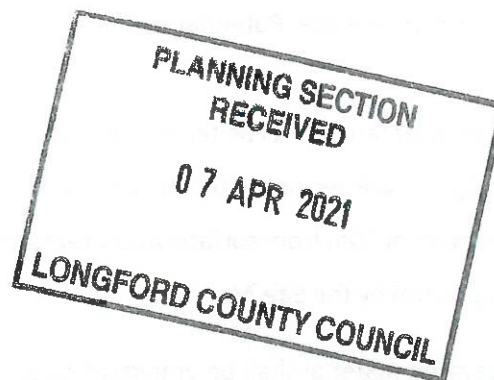


Table 5-1: Plant Equipment

Equipment	Function
4 x 4 vehicle	Transport for operatives
Tracked Excavator	Excavating trenches
Dumper Truck	Moving excavated materials
Cut off saw	Setting out trenches on road surface
Telehandler(s)	Distributing materials

5.5. 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 consented Cleghill Solar Farm. Oils and fuels will not be stored on site and will be stored in an appropriately bunded area within the temporary storage compound.



6. WASTE MANAGEMENT

INTRODUCTION

- 6.1. Surplus or waste may arise from materials imported to the site, or those generated on site during the construction and decommissioning phases.
- 6.2. The Waste Management Plan follows the waste hierarchy, as outlined within Article 4 of the Waste Framework Directive 2008/98/EC. The waste hierarchy, as defined within the legislation, is detailed below:
- Prevention;
 - Re-use;
 - Recycling;
 - Other recovery; and
 - Disposal.



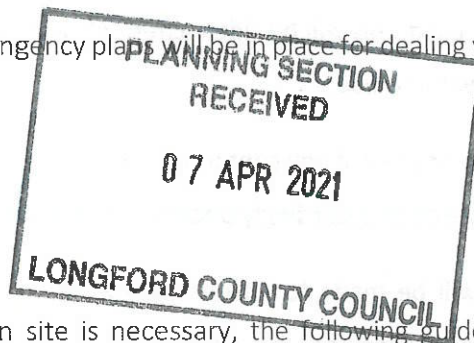
IDENTIFICATION OF WASTE

- 6.3. There will be limited waste generated during the construction phase of the Proposed Development.
- 6.4. The contractor on site during each phase will ensure that all waste will be disposed of responsibly from the site. Potential waste generated during the construction phase is likely to include:
- 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 20m from surface water features and all stockpiling locations will be subject to approval by the Site Manager;
 - 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;

- Wooden crates or cardboard boxes in which the building materials will be packaged. These will be removed from the site and recycled appropriately at regular intervals;
- Packaging materials from various components will also be removed regularly and recycled;
- Oils/fuels, paints, solvents or other chemicals; and/or
- Burning of waste on site will be prohibited.

STORAGE OF FUELS AND CHEMICALS

- 6.5. Oils and fuels will not be stored on site and will be stored in an appropriately bunded area within the temporary storage compound on the previously permitted Cleghill Solar Farm.
- 6.6. Where chemicals are required on site, they must be placed in an appropriate bund to prevent ground contamination. All chemicals must be stored in a correctly marked container clearly identifying the contents. Where labels are worn off, they must have a new label placed on them or the contents transferred to a correctly marked container. Safety data sheets for all chemicals should be filed on site as part of the final CEMP.
- 6.7. Spill kits will be on site and contingency plans will be in place for dealing with a spillage should a spillage occur.



REFUELLING

- 6.8. Where refuelling of vehicles on site is necessary, the following guidelines will be strictly adhered to:
- 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 Cleghill Solar farm. This is where refuelling will also take place;
 - Mobile plant will be filled in a designated area, on an impermeable surface well away from any drains or watercourses;
 - A spill kit will be stored (and clearly marked) near refuelling areas;
 - Vehicles will never be left unattended during refuelling and drip trays should be located under all static plant vehicles;

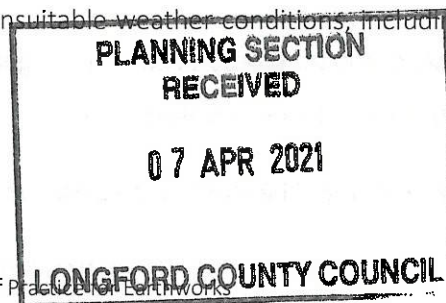
- Hoses and valves will be checked regularly for signs of wear, and will be turned off and securely locked when not in use;
- Vehicles will not be left running unnecessarily and low emission fuels will be used where possible; and
- Diesel pumps and similar equipment will be checked regularly and any accumulated oil removed for appropriate disposal.

EXCAVATION AND EARTHWORKS

6.9. All excavation and earthworks will be carried out in accordance with BS6031:2009 Code of Practice for Earthworks.²⁸ Soil handling, extraction and management will be undertaken with regard to best practice guidelines such as Guidance on the Waste Management (Management of Waste from the Extractive Industries) Regulations 2012.²⁹

6.10. The following practices will be followed in relation to the excavation of cable trenches, topsoil stripping and any other earthworks:

- Any excavated material will be stored and re-used to infill excavations. Where the soil is to be re-used, this will be side casted. All side casted soil to be kept a minimum of 20m from a watercourse.
- Although unlikely, if any contaminated earth is uncovered, this will be stored separately and disposed of accordingly once the contaminant has been identified.
- Efforts will be made to ensure that water does not accumulate in excavated areas. Should excavated trench's need to be dewatered, this will be 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;
- Earthworks shall not occur during unsuitable weather conditions, including when soils are waterlogged or very dry.



²⁸ British Standards Institute (BSI), 2009. BS 6031:2009 Code of Practice for Earthworks

²⁹ Environmental Protection Agency (EPA) 2012. Guidance on the Waste Management (Management of Waste from the Extractive Industries) Regulations 2012. Available at www.epa.ie

CONCRETE

6.11. Concrete will not be allowed to enter watercourses under any circumstances, and drainage from excavations in which concrete is being poured will not be discharged directly into existing watercourses without appropriate treatment and consent from the relevant authority. Delivery trucks, tools and equipment will be cleaned at the wheel wash facility located near the entrance and within the site boundary.

Monitoring

6.12. Operations and activities that have the potential to impact on the water environment will be regularly monitored throughout the construction of the Proposed Development. This is to ensure compliance with planning conditions and environmental regulations.

6.13. The Site Manager is responsible for ensuring that all monitoring is carried out according to the Environmental Monitoring Programme, summarised in Table 6-1 below.

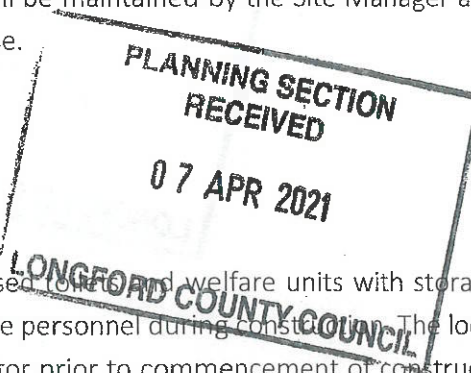
Table 6-1: Environmental Monitoring

Environmental Aspect	Monitoring Location	Monitoring Frequency	Monitoring Arrangements
Site housekeeping	Entire site	Daily	Visual inspection
Surface water courses	All water courses	After periods of rain Weekly, if no rain	Visual inspection
Fuels and chemicals – appropriate storage	Entire site	Daily	Visual inspection

6.14. These records and results will be maintained by the Site Manager and will be stored on site during the construction phase.

SITE OFFICE WASTE

6.15. Portaloo and/or containerised toilet and welfare units with storage tanks will be used to provide toilet facilities for site personnel during construction. The location of these areas will be identified by the contractor prior to commencement of construction; however, they will more than likely be within construction compound of the consented solar farm.



- 6.16. The sanitary waste will be removed from site by a licensed waste disposal contractor. All portaloos located on site during the construction phase will be operated and maintained in accordance with the manufacturer's instructions and will be serviced under contract with the supplier. All such units will be removed off-site following completion of the construction phase.

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POLLUTION PREVENTION

INTRODUCTION

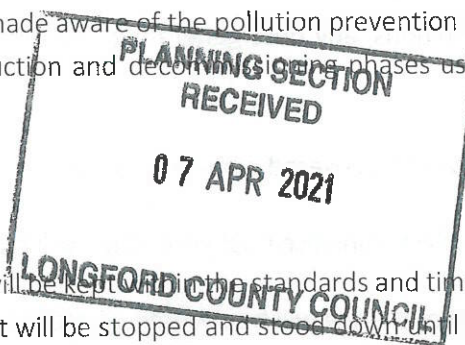
- 7.1. This OCEMP identifies elements of the Proposed Development which are potentially capable of giving rise to pollution and identifying pollution prevention and mitigation measures.

MITIGATION MEASURES

- 7.2. Suitable protection for watercourses potentially affected by the works will be installed prior to relevant works proceeding. These measures will be in-line with Environmental Protection Agency (EPA) Pollution Prevention Guidelines. Protection measures will include:
- Drip trays to be used for all refuelling activities;
 - All plant and equipment will utilise biodegradable hydraulic oil;
 - Spill kits will be readily available to all personnel. The spill kits will be of an appropriate size and type for the materials held on site;
 - All other chemicals will be stored within a storage contained with an accompanying COSHH Datasheet;
 - Wastewater from the temporary staff toilets and washing facilities will be discharged to sealed containment systems and disposed via licensed contractors; and
- 7.3. All staff on site will be made aware of the pollution prevention measures being implemented throughout the construction and decommissioning phases using appropriate toolbox talks and the site induction.

Noise and Vibration

- 7.4. Operating plant noise will be kept within the standards and time periods dictated for the site. Any noncomplying plant will be stopped and stood down until it can be rectified or removed from the site.
- The British Standard which gives guidance on noise from construction and mineral working sites is BS 5228. This document does not specify absolute noise limits relating to construction activities; however, it does provide detailed guidance on the steps that can be taken to minimise potential noise & vibration effects. Reasonable mitigating



measures are as follows: vehicles and machinery will be switched off when not in use and properly maintained.

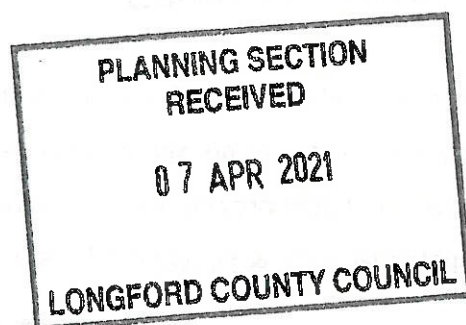
- Operation of plant, including fitting and proper maintenance of silencers and/or enclosures, avoiding excessive and unnecessary revving of engines and parking of equipment in locations which avoid possible effects on residential properties.
- Traffic movement limited to:
 - 08.00 to 18.00 Monday to Friday and 08.00 to 16.00 Saturdays
 - Public holidays will be observed unless otherwise agreed with the local planning authority
 - When loading and unloading material, attempts shall be made not to drop material from a height
- Controlling the spread of noise, e.g., by increasing the distance between plant and noise-sensitive receptors or by the provision of acoustic screening.

7.5. Any noise complaints shall immediately be directed to the site agent. Depending on the nature of the complaint, the initial response could be to immediately cease the activity until suitable mitigation measures have been put in place and agreed with the affected individual.

Dust

7.6. In order to control, prevent and minimise dirt on the access route and emissions of dust and other airborne contaminants during the construction works, the following measures will be implemented:

- During windy conditions, any dust generating activities will be avoided or minimised, where practical.
- Any soil stockpiles will be covered when left for extended periods of time.
- Driving practices which minimise dust generation will be adopted.
- Loads into and out of the site will be covered where required.



J. DRAINAGE MANAGEMENT PLAN

INTRODUCTION

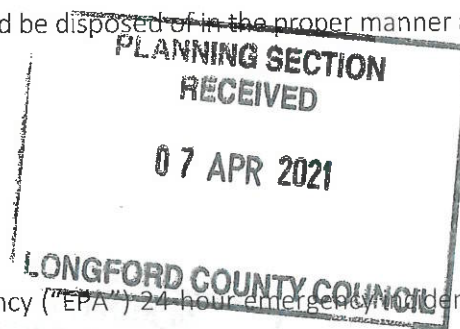
- 8.1. The measures described in this section will be adopted during the construction phase in order to manage on-site drainage in accordance with current best practice and legislation.

Drainage Management Plan

- 8.2. No specific drainage is planned for the works.

Emergency Spill or Pollution Response

- 8.3. In the event of a liquid spill occurring on a construction site, the Contractor shall cease work immediately in the vicinity. Contractor's trained personnel shall do an appropriate PPE and as follows:
- Locate the source of the pollution and stop/contain any further flow if possible;
 - If spillage is flammable, extinguish all ignition sources;
 - Immediately deploy the spill kit in accordance with the manufacturer's instructions;
 - Clean up the spill; and
 - All used spill kit materials should be disposed of in the proper manner as outlined in spill summary procedures.
- 8.4. The Site Manager shall contact:
- The Client;
 - Environmental Protection Agency ("EPA") 24-hour emergency incident line 1890 33 55 99; and
 - Inland Fisheries 24-hour pollution line 1890 34 74 24. The pollution hotline number shall be referenced in the construction site rules and displayed in the Site Office and in the Emergency preparedness & response plan.
- 8.5. Each Contractor working with controlled substances shall supply appropriate spill kits which shall be kept on site. The spill kits shall be made accessible at all times to all site personnel.



- 8.6. In the event of a fire, all personnel must evacuate the site and assemble at the site entrance. The Site Manager is responsible for calling the Fire Service, who will handle the emergency.



9. SUMMARY & CONCLUSIONS

9.1. The mitigation measures identified throughout this OCEMP have been summarised in Table 9-1 below.

Table 9-1: OCEMP Mitigation Measures

Potential Receptor	Potential Impact	Recommended Mitigation
Water		
Streams and Rivers outside the Proposed Development boundary where surface water runoff will be discharged to	Pollution	Implementation of pollution prevention measures detailed within this OCEMP.
Soil		
Soil	Pollution	Implementation of pollution prevention measures detailed within this OCEMP

9.2. The overall objective of this OCEMP is to reduce the potential impact on the environment during the construction phase of the Proposed Development. As outlined previously, the appointed contractor will need to incorporate this OCEMP into a detailed CEMP and construction method statements prior to the commencement of development and will be implemented in full during the construction phase.

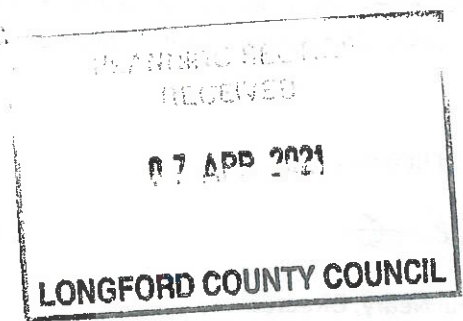




Volume 1: Appropriate Assessment Screening

Section 5 Application: Cleggill - Longford Underground Cable Connection

29/03/2021



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The question posed is:

"Whether the provision of c3834m of 38kv underground cable forming the grid connection between the consented Cleggill Solar Farm (Ref: 17/47) to the nearest 38kv Longford substation is development and if it is development, if it is exempt development".

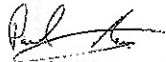
We consider the following conclusion applies:

The proposed grid connection is development and is exempt development.

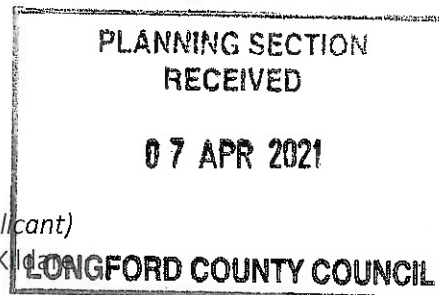
For payment of the €80.00 fee, please contact Mr Noel Shannon (see details below).

Noel Shannon
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Kind Regards,



Paul Neary, Director
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The Proposed Development will not lead to significant adverse impacts upon Natura 2000 sites. No likely significant effect is foreseen upon any of these Natura 2000 sites as a result of the proposals, either alone or in combination with any other development.

This screening report, based on the best available scientific information, finds that there is no reasonable scientific doubt that the development does not pose any risk of significant adverse effects on Natura 2000 sites, and that the development does not require progression to a Stage 2 Appropriate Assessment. It is considered that the next stage of the Appropriate Assessments is not required.

Accordingly, there is sufficient information to allow the Competent Authority to conclude that the project individually or in combination will not be likely to have any significant effects on any European sites. A Stage 2 Natura Impact Assessment should not therefore be required in this case. Taking all the above in to account the development does not fall under Section 4(4) of the Planning and Development Act 2000-2018.

Article 9(1) Restrictions on Exemptions

Article 9(1) of the Regulations sets out a series of restrictions on exemptions which we consider in turn below:

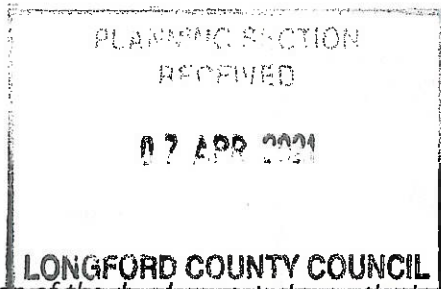
(ii) Contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act.

The grid connection proposal does not contravene any of the conditions associated with application (PA Ref: 17/47) of the Solar Farm permissions noted.

(iii) endanger public safety by reason of traffic hazard or obstruction of road users.

This application is accompanied by a Construction Traffic Management Plan, which sets out in detail the overall method for construction including all mitigation and traffic control measures to ensure that the proposed route of the grid connection does not impact on any public road and therefore will not endanger public safety by reason of traffic hazard or obstruction to road users.

(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 there 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



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draft variation of the development plan or the local area plan or the draft development plan or draft local area plan.

There is no interaction with any places, caves, sites, features or other objects. We refer the Council to the findings of the AA Screening and the OCEMP prepared by Neo Environmental Ltd. Also, we have reviewed the Development Plan for the area and there are no objectives to protect asset classes noted above, that would be impacted negatively by the proposed grid connection route.

(viiA) comprise 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.

A review of the National Monuments Services, archaeological monuments, indicates that there are no monuments located along the route of the grid connection. The proposed route of the grid connection avoids the archaeological ZoN and the route is clear of any sites. To that end the proposed works will not comprise the excavation, alteration or demolition of any such monument.

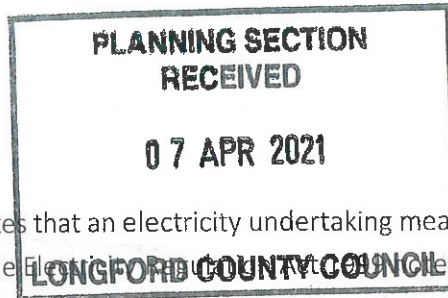
(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

As noted earlier the development would not be likely to have a significant effect on the integrity of a European site and does not require a Stage 2 Appropriate Assessment (Natura Impact Assessment).

Concluding Comments

Taking all matters in to account the applicant (Grian PV Longford Limited) can benefit from the exemption at Class 26 of the Planning and Development Regulations 2001 (as amended), namely:

“the carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking”.



Article 33 of the Regulations notes that an electricity undertaking means "an undertaker authorised to provide an electricity service. The Electricity Regulation Act 1999 provides a definition as follows at section 2(1) the following:

"Electricity undertaking" means any person engaged in generation, transmission, distribution or supply of electricity, including any holder or a licence or authorisation under this act, or any person who has been granted a permit under section 3u7 of the Principal Act".

This matter was addressed directly in the Dysert solar farm Section 5 application referenced above (ABP-302895-18, Kildare County Council Reference ED/00656). In that case an exemption was granted by ABP to Power Capital Renewable Energy Ltd. The Inspectors report comments on this matter as follows:

"8.2.2. On the requirement for the development to be carried out by an "undertaker authorised to provide an electricity service" I refer to Article 3(3) of the regulations which states that an electricity undertaking means an undertaker authorised to provide an electricity service. The Electricity Regulation Act 1999 provides a definition as follows:

"electricity undertaking" means any person engaged in generation, transmission, distribution or supply of electricity, including any holder of a licence or authorisation under this Act, or any person who has been granted a permit under Section 37 of the Principal Act."

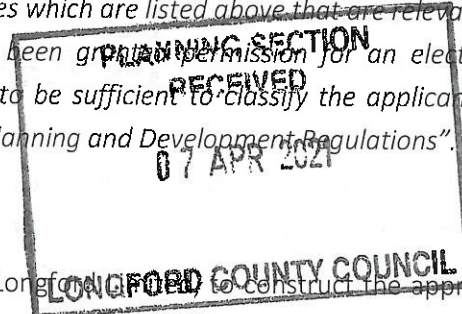
8.2.3 I note the broad definition of "statutory undertaker" provided within the Planning and development Act 2000 as follows

"statutory undertaker" means a person, from the time being, authorised by or under any enactment or instrument under an enactment to-

(b)Provide, or carry out works for the provision of, gas, electricity or telecommunications services,".

In light of these definitions, I am satisfied that 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. On this basis I am satisfied that the proposed development falls within the scope of Class 26.

8.2.4 I would note that there are a number of cases which are listed above that are relevant. In these cases, the fact that the applicants have been granted permission for an electricity generating development have been determined to be sufficient to classify the applicants as coming under Class 26, Part 1 Schedule 2 of the Planning and Development Regulations".



In light of these observations and in order for Grian PV Longford to construct the approved solar development, the developer must have an Authorisation to Construct from the Commission for Regulation of Utilities under section 14 of the Electricity Regulation Act 1999. Similarly, in order to generate electricity, it must obtain a Licence to Generate from the Commission. Accordingly, the developer will have to obtain both Authorisation and a Licence prior to the construction of the proposed development and upon obtaining same will be categorised an Electricity Undertaker as defined in the Electricity (Supply) Act, 1927. Therefore, when the development is commenced, including the construction of the grid connection, the developer or ESB will be the 'undertaker authorised to provide an electricity service' satisfying this provision of Class 26 of the Planning and Development Regulations.

Is the proposed Grid Connection Development?

The proposal constitutes development under Class 26 of part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) which includes:

"the laying underground of cables for the purposes of an undertaking".

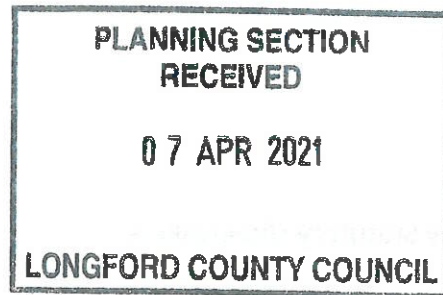
Environmental Impact Assessment and Appropriate Assessment

Underground cabling for the transmission of electricity does not fall into a class of development for the purposes of EIA. An EIA is not therefore required. Moreover, the solar farm development to which it would connect did not require an EIA.

The original planning application for the Solar Farm (PA Ref: 17/47) was subject of AA screening by the Competent Authority (Longford County Council) which concluded that with the implementation of mitigation measures, there will be no potential cumulative impacts on any Natura 2000 sites or their qualifying features.

An Appropriate Assessment Screening has been carried out by the applicant (Prepared by Neo Environmental Ltd) in this case for the proposed grid connection. It is attached with this application and concludes;





Section 4(4)

Notwithstanding..... 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"

Section 172(1)

"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 –

1. (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
2. (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."

Section 177U(9)

"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".

Planning and Development Regulations, 2001

Article 3(3)

"electricity undertaking" means an undertaker authorised to provide an electricity service".

Article 6(1)

"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."

Schedule 2, Part 1 Development by Statutory Undertakers

Class 26

“the carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking”.

Article 9(1) Restrictions on Exemption

Development to which Article 6 relates shall not be exempted development for the purposes of the Act



(a) If the carrying out of such development would:

(ii) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(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,

(viiA) comprise 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,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an

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appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Planning and Development Act 2000) to comply with the procedures for the purposes of giving effect to the Council Directive.”

Case Law

O Grianna (and others) v An Bord Pleanála (and others) Record L 2014 No 2014 No 19 JR; 2014 No 10 COM.

This High Court judgement was for a judicial review of a permission granted on appeal by the Board for a development comprising six wind turbines and associated infrastructure in County Cork. The High Court judgement, quashing the Board’s decision, was based on the conclusion that the windfarm and grid connection constitute one single project and that both elements together would have to be subject to EIA in order to comply fully with the terms of the Directive.

Relevant Appeal Cases

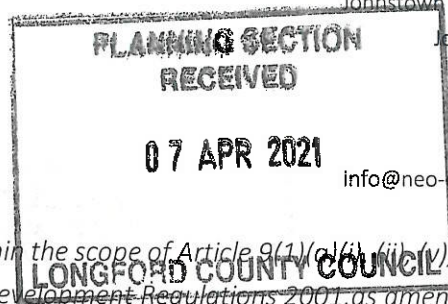
There are a number of appeal decisions relevant to this case which are referred to on the below;

ABP-302895-18 / Kildare County Council Reference ED00656 The Board determined that a medium voltage grid connection from the Dysart solar farm at Johnstownbridge, County Kildare to the Dunfirth ESB substation is exempted development. The reasons for this decision, as per the Inspector’s report, are as follows:

(a) The provision of the medium voltage grid connection between the solar farm development permitted under ref no. 16/1265 and the Dunfirth ESB substation comes within the scope of Sections 2(1) and 3(1) of the Act and constitutes development,

(b) The said underground cable comes within the scope of Class 26 Part 1, Schedule 2, of the Planning and Development Regulations 2001, as amended, ABP-302895-18 Inspector’s Report Page 16 of 16

(c) The said underground cable does not come within the scope of section 4(4) of the Planning and Development Act, 2000, as amended. In this regard the Board adopts the report of the Inspector in relation to EIA and AA and, thereby has carried out the necessary assessments to conclude that neither EIA nor AA is required,



(d) The said underground cable does not come within the scope of Article 9(1)(a)(i), (ii), (v), (vii), (viiA) or (viiB) or Article 9(1)(c) of the of the Planning and Development Regulations 2001, as amended.'

RL3503 The Board determined that the provision of a connection between the 110kv substation of the Yellow River Windfarm granted under PA0032 & the National Grid is development and is exempted development at Rhode, Co. Offaly.

RL3375 Board determined that 220m of 20kv underground cable forming part of grid connection at Raragh, Kingscourt, Co Cavan is development and is exempted development.

RL3408 RL3409 RL3410 RL3411 The Board determined that the development of grid connection from Crory / Lodgewood substation to Ballycadden windfarm is development and is not exempted development. I note that this determination found that the development came within the scope of Article 9(1) (a) of the Regulations as their construction contravened a condition of the planning permission for the relevant windfarms.

RL 2789 The Board determined that the laying of a 110kv underground electricity cable forming the grid connection to windfarm at Knockacummer Co Cork is development and is exempted development.

RL2778 The Board determined that the provision of 10.2km of underground cable forming the grid connection of windfarm at Loughaun North, Tulla, Co Clare to existing substation at Tooreen Ennis Co Clare is development and is exempted development.

RL3377 RL3401 The Board determined that the provision of a 20kv electrical connection between Cnoc windfarm and Ballybeagh 38kv substation, Tullaroan, Co Kilkenny is development and is exempted development.

Statutory Undertaker/Undertaker

One of the first items to answer is the issue of the "undertaker" and who can be an "undertaker" for the purposes of the exemption at Class 26 of the Regulations:

"the carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking"

- Following the installation of ducting, pulling the cable will take approximately two days between each joint bay, with the jointing of cables taking approximately two day. The jointing bays will be located approximately 650 to 750m apart; and
- Where required, grass will be reinstated by either seeding or by replacing with grass turf.

Legal Considerations – Planning and Development Act 2000

Section 2(1)

““works” includes any act or operation of construction, excavation, demolition, extension, alterations, repair or renewal and”

“statutory undertaker” means a person, for the time being, authorised by or under any enactment of instrument under an enactment to –

1. (a) Construct or operate a railway, canal, inland navigation dock, harbour or airport,
2. (b) Provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
3. (c) Provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.

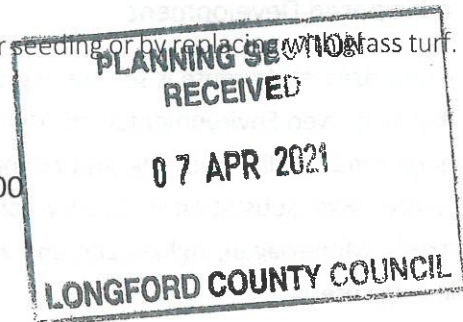
Section 3(1)

““development” 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 the use of any structures or other land.

Section 4(2)(a)(i)

“The Minister may by regulations provide any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that –

- (i) By reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or”



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"Whether the provision of c3,834m of 38kv underground cable forming the grid connection between the consented Cleggill Solar Farm (Ref: 17/47) to the nearest 38kv Longford substation is development and if it is development, if it is exempt development".

The Proposed Development

The proposed cable route is set out in graphic form on the attached plans (**Figures 1 – 4 of Volume 2**) prepared by Neo Environmental Ltd. The Proposed Development will consist of the construction of an underground medium voltage grid connection cable from the consented Cleggill Solar Farm to the Longford 38kV Substation in County Longford running through the townlands of Cleggill, Lismore, Cartrons, Moneylagan, Aghadegan and Minard. The construction phase takes place in line with the following criteria:

- The grid connection is to be installed from the solar farm along c. 3.8km of public road, with the construction carried out in sections of no more than 100m at any one time. A new 100m section of works will only be excavated once the majority of reinstatement has been completed on the previous section, ensuring only one section is fully opened at any one time. The excavation, installation and reinstatement process for each 100m section will take an average of one day to complete;
- The excavated trench will be approximately 60cm in width and approximately 120cm deep, within the public road network and within the consented developments;
- The base of the excavated trench will be lined with sand bedding to be imported to site from a local licensed supplier. 11cm diameter high-density polyethylene (HDPE) cable ducting will be placed into the prepared trench, which will be inspected and backfilled;
- It is anticipated that this work will be undertaken along the side of the road, within the road corridor;
- No installation will take place during extreme weather warnings. No construction personnel, operation or maintenance personnel will be permitted to carry out any works during extreme flood events;



Planning Report

Subject of Declaration Request

The applicant, Grain PV Longford Limited has requested a declaration as to whether the provision of c3834m of 38kv underground medium voltage grid connection cable between the consented Cleggill Solar Farm (Ref 17/47) to the nearest 38kv Longford substation is or is not development and is or is not exempted development within the meaning of the Planning & Development Act 2000 (As Amended)

Site and Consideration

The proposed development site is located solely along public roads connecting the permitted solar farm site to the substation and it is anticipated that this work will be undertaken along the side of the road within the road corridor.

Planning History:

The proposed development relates to the connection of a previously permitted solar farm to the nearest substation. Permission was granted for the solar farm under planning reference PL17-47.

PL17-47 - Planning permission granted for a solar farm with an export capacity of 11.1MW comprising of photovoltaic panels on ground mounted frames with associated infrastructure including 7 no. inverter cabins, 1 no. control building, 1 no. customer cabin, 1 no. DNO sub-station, temporary construction compound, ducting and electrical cabling, perimeter agricultural fencing, mounted CCTV cameras and internal access tracks. This application is for a 10 year permission.

STATUTORY PROVISIONS

Planning & Development Act 2000 (as Amended):

Section 2 – (1) In this Act, except where the context otherwise requires –

“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.

“statutory undertaker” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to—

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,

- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
- (c) provide services connected with, or carry out works for the

Section 3 – (1) In this Act, “development” 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 the use of any structures or other land.

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that—

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or
- (ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).

(b) Regulations under *paragraph (a)* may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.

(c) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)*, provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.

(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.

Section 177U (9) 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.

Planning and Development Regulations 2001 (As Amended)

Article 3 (3)

“electricity undertaking” means an undertaker authorised to provide an electricity service,

Article 6 (1)

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.

Article 9

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

(a) if the carrying out of such development would—

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,

(iii) endanger public safety by reason of traffic hazard or obstruction of road users,

(iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which 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, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of

a new development plan, in the draft variation of the development plan or the draft development plan,

(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(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,

(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,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,

(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,

(xi) obstruct any public right of way,

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Schedule 2 Part 1 Development by Statutory Undertakers**Class 26**

“The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.”

Planning Assessment

Having regard to the proposed development the information submitted as part of the application, the interpretation of the relevant descriptions, the Planning Authority is satisfied that the applicant as the time of development will be considered a statutory undertaker and so can avail of the exemption under Class 26 of Schedule 2 Part 1. As such the crux of the issue comes down to the screen report associated with the application. It is noted that the conclusion of AA Screening Report in the original planning application

“identified that there will be no significant impact on any Natura 2000 sites with 15 km of proposed development, with the implementation of recommended mitigated measures. Therefore, a Natura Impact Statement is not required”

While this conclusion is of its time it would now trigger the need for an Appropriate Assessment report.

It is also noted that the conclusion of the AA submitted as part of this Section 5 declaration states

“This screening report, based on the best available scientific information, finds that there is no reasonable scientific doubt that the development does not pose any risk of significant adverse effects on Natura 2000 sites, and that the development does not require progression to a Stage 2 Appropriate Assessment. It is considered that the next stage of the Appropriate Assessment is not required.”

However, it is noted that in the body of the Appropriate Assessment Screening, Section 6.10 indicates that *“During the construction phase, best practice pollution measures will be implemented”* and Section 6.11 states *“ at watercourse crossings, the contractor will be required to adhere to environmental control measures outlined within the Section 5 application and accompanying reports...”*

As such it is not clear to the Planning Authority that the AA screening assessment has been concluded in the absence of the consideration of mitigation measure and given the recent ruling by Judge Garrett Simons in Heather Hill Management Company CLG v An Bord Pleanála it is unclear as to whether the Screening Report should have progressed the development to a stage 2 AA and requested a Natural Impact Assessment which, if required, would de-exempt the proposed development.

Recommendation

Having regard to the provisions of Section 5 of the planning and Development Act, 2000 (as amended) it is recommended that the Planning Authority refer the declaration on to the Board for determination.

The Planning Authority is of the opinion that the proposed development given the applicant status at time of development being carried out as a statutory undertaker would likely result in the development being exempted under Schedule 2 Part 1 Class 26.

However, given the significant changes in relation to interpretation and implementation of the Habitats Directive and the legal complexity of the matter regarding the application of AA provisions, in particular the use of mitigation measure as part of the screening process and the need for clarity in the issue the Planning Authority propose to refer this Section 5 referral to An Bord Pleanala for a determination.

Donall Mac An Bheatha

28/04/2021

Senior Planner



Planning Section
Longford County Council
Great Water Street
Longford

07/04/2021 09:41:42

Receipt No. : PLANNING/0/20549
***** REPRINT *****

GRIAN PV LONGFORD LIMITED
BLG FINANCIAL, 3RD FLOOR
THE BOATHOUSE,
BISHOP STREET
DUBLIN

Class13 Plan Fee Misc	80.00
GOODS	80.00
VAT Exempt/Non-vatable	

Total :	80.00 EUR
	63.01 IEP

Tendered :	
Credit Card	80.00
Customer Cop	
Retain for Records	
0525	

Change :	0.00
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Issued By : Caroline MacEvoy Murtagh
From : Planning Section

**LONGFORD COUNTY COUNC
ARAS AN CHONTAE
GREAT WATER STREET**

MERCHANT ID: *****7183
TERMINAL ID: *****8308
DATE: 07/04/2021 TIME: 09:35
BATCH: 000387-003 INVOICE: 000627
RRN: 109708137476 AUTH NO.: 714687
Visa Debit SALE
*****2223 *

SALE AMOUNT €80.00

CUSTOMER NOT PRESENT

I agree to pay the above final amount
According to the card/merchants issuer
agreement

CUSTOMER COPY



DC 21/2

LONGFORD COUNTY COUNCIL

Planning Department, Great Water Street, Longford. N39 NH56

Tel: (043) 3343427 Fax: (043) 3341233 Email: planning@longfordcoco.ie

Section 5 Declaration – Exempted Development Planning & Developments Acts 2001 as amended

1. Applicant Name: Grian PV Longford Limited

Address: BLG Financial, 3rd Floor The Boathouse, Bishop Street, Dublin

Phone No: M: +353863356443 & T: +35315175900

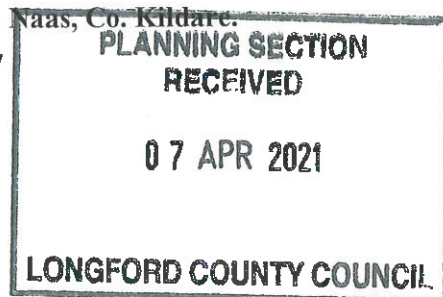
E-mail : mark@shannon.energy or mev@obton.com

2. Name of Agent (if any): Neo Environmental Ltd

Address: Johnstown Business Centre, Johnstown House, Naas, Co. Kildare.

Phone No: T: 00 353 (0)45 844250 M: 00 44 7776 081 697

E-Mail: paul@neo-environmental.co.uk



3. Address for correspondence (if different from above):

Address:

4. Location of Proposed Development: The grid route runs through the townlands of Cleggill, Lismore, Cartrons, Moneylagan, Aghadegan and Minard.

5. Description of Development:

The Proposed Development will consist of the provision of c3834m of 38kv underground medium voltage grid connection cable between the consented Cleggill Solar Farm (Ref: 17/47) to the nearest 38kv Longford substation.

6. Under what section of the Planning and Development Act, 2000 and Planning and Development Regulations, 2001 is exemption sought (Specific details required)

The proposal constitutes development under Class 26 of part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) which includes:

“the carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking”.

7. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES _____ NO X

8. Will / does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES _____ NO X

8(a) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES _____ NO X

9. Please state applicants interest in this site: An option lease agreement is in place between the landowner and the applicant

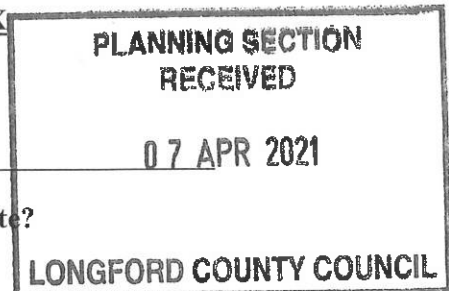
If applicant is not the owner of site, please provide name & address of owner:

George McCloughery
Cleggill, Longford, Co. Longford

10. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES _____ NO X

10(a) If "YES" please supply details:



11. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES X NO _____

11(a) If "YES" please supply details:

Planning permission was granted for (PA Ref: 17/47) a solar farm with an export capacity of 11.1MW comprising of photovoltaic panels on ground mounted frames with associated infrastructure including 7 no. inverter cabins, 1 no. control building, 1 no. customer cabin, 1 no. DNO sub-station, temporary construction compound, ducting and electrical cabling, perimeter agricultural fencing, mounted CCTV cameras and internal access tracks. This application is for a 10-year permission at a site within the townland of Cleggill, Co. Longford. The Council refused planning permission on 12 April 2017. An appeal was then submitted to An Bord Pleanála. Appeal reference is PL14.248470 and the consent was issued on 23rd March 2018. A period of 10 years has been allowed for construction and development must commence before 23rd March 2028. The development is proposed to have an operational life of 25 years from the date of commissioning and, upon expiration of the consent period, the development must be removed unless planning for retention of the development has been achieved prior to the initial expiration.

List of Items to accompany this application:-

- a) A fee of €80
- b) 1 x An appropriately scaled site location map (not less than 1:2,500 rural and 1:1000 urban), clearly indicating the site of the proposed development outlined in red
- c) 1 x An appropriately scaled site layout plan (not less than 1:500) indicating the location of the proposed works and access to same from the public road.
- d) 1 x Plans and particulars of the proposed development, including sections and dimensions to differentiate between the existing works and proposed works.
- e) 1 x Approximate finished floor levels of the proposed development should be provided in

