



COMHAIRLE CONTAE CHILL Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco
Suíomh / Website: www.wicklow.ie

Michael Horsman & Christopher Hill
Templeraíne
Arklow
Co. Wicklow
Y14 W862

19th April 2024.

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX28/2024 for Clonswees Limited

A Chara,

I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

Where a Declaration is used under this Section any person issued with a Declaration under subsection (2) (a) may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a declaration for review by the Board within four weeks of the date of the issuing of the declaration by the Local Authority.

The Planning Authority draw your attention to the following additional consents that will be required with respect to the cabling works proposed.

- Any crossings of the existing motorway network will require approval from Transport Infrastructure Ireland under Section 53 of the Roads Act, 1993 (as amended).
- A Road Opening Licence will be required for this development.

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





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Highfield Energy Services
Design Studio 7
Old Castle View
Kilgobbin Road
Dublin 18
D18 A243

19th April 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX28/2024 for Clonswees Limited

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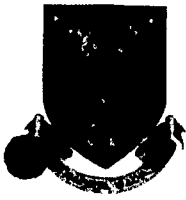
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ADMINISTRATIVE OFFICER
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Sarah Horsman
43 The Maples
Wexford Road
Arklow
Co. Wicklow

19th April 2024

RE: Declaration in accordance with Section 5 of the Planning & Development Acts 2000 (As Amended) – EX28/2024 for Clonswees Limited

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I enclose herewith Declaration in accordance with Article 5 (2) (A) of the Planning & Development Act 2000.

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- Any crossings of the existing motorway network will require approval from Transport Infrastructure Ireland under Section 53 of the Roads Act, 1993 (as amended).
- A Road Opening Licence will be required for this development.

Is mise, le meas,

ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT





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DECLARATION IN ACCORDANCE WITH ARTICLE 5 (2) (A) OF THE PLANNING & DEVELOPMENT
ACT 2000 AS AMENDED

Applicant: Clonswees Limited

CHIEF EXECUTIVE ORDER NO. CE/PERD/486/2024

A question has arisen as to whether “underground HV ducting and cabling works linking existing and proposed substations at Killinskyduff and Templerainey, Kilbride, Co. Wicklow” is or is not exempted development.

Having regard to:

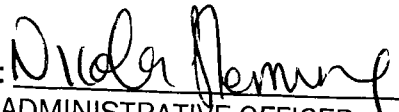
- The details submitted with the Section 5 declaration application, and further information submitted on the 12th April 2024.
- ABP -312936-22 (PRR SI202201), ABP-302037-18 (PRR 17/1440), Exemption Certificate PRR EX 35/2020, Referral RL360
- Section 2, 3,4 of the Planning and Development Act 2000(as amended)
- Articles 6 and 9 of the Planning and Development Regulations, 2001(as amended)
- Class 26, of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 as amended

Main Reasons with respect to Section 5 Declaration:

- the laying of the underground cables comes within the scope of Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and therefore constitutes development,
- the referrer in this case, Clonswees Limited, would come within the meaning of an undertaker authorised to provide an electricity service having regard to the authorisation received under Section 14 and 16 of The Electricity Regulation Act 1999, from the Commission for Regulation of Utilities.
- the carrying out by the referrer of the development in question comes within the scope of Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and is, therefore, exempted development, and
- none of the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this instance:

The Planning Authority considers that “underground HV ducting and cabling works linking existing and proposed substations at Killinskyduff and Templerainey, Kilbride, Co. Wicklow is development and is exempted development”

Signed:


ADMINISTRATIVE OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT

Dated 19th April 2024



Tá an doiciméad seo ar fáil i bhformáidí eile ar iarratas
This document is available in alternative formats on request
Ba chóir gach comhfhreagras a sheoladh chuig an Stiúrthóir Seirbhísí, Pleanáil, Forbairt Eacnamaíochta agus Tuaithe.
All correspondence should be addressed to the Director of Services, Planning, Economic and Rural Development.



WICKLOW COUNTY COUNCIL

PLANNING & DEVELOPMENT ACTS 2000 (As Amended)
SECTION 5

CHIEF EXECUTIVE ORDER NO. CE/PERD/486/2024

Reference Number: EX28/2024

Name of Applicant: Clonswees Limited

Nature of Application: Section 5 Referral as to whether or not “underground HV ducting and cabling works linking existing and proposed substations at Killinskyduff and Templerainey, Kilbride, Co. Wicklow” is or is not development and is or is not exempted development.

Report from Edel Bermingham SEP

With respect to the query under section 5 of the Planning & Development Act 2000 as to whether “underground HV ducting and cabling works linking existing and proposed substations at Killinskyduff and Templerainey, Kilbride, Co. Wicklow” is or is not exempted development within the meaning of the Planning & Development Acts 2000 (as amended).

Having regard to:

- (a) The details submitted with the Section 5 declaration application, and further information submitted on the 12th April 2024. .
- (b) ABP -312936-22 (PRR SI202201), ABP-302037-18 (PRR 17/1440), Exemption Certificate PRR EX 35/2020, Referral RL360
- (c) Section 2, 3,4 of the Planning and Development Act 2000(as amended)
- (d) Articles 6 and 9 of the Planning and Development Regulations, 2001(as amended)
- (e) Class 26, of Part 1 Schedule 2 of the Planning and Development Regulations, 2001 as amended

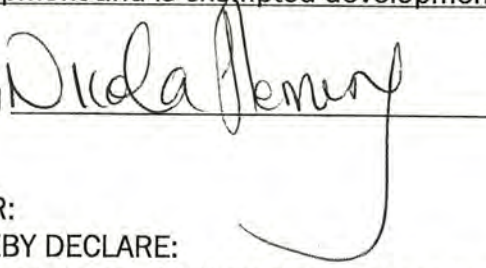
Main Reason with respect to Section 5 Declaration:

- i. the laying of the underground cables comes within the scope of Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and therefore constitutes development,
- ii. the referrer in this case, Clonswees Limited, would come within the meaning of an undertaker authorised to provide an electricity service having regard to the authorisation received under Section 14 and 16 of The Electricity Regulation Act 1999, from the Commission for Regulation of Utilities.
- iii. the carrying out by the referrer of the development in question comes within the scope of Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and is, therefore, exempted development, and
- iv. none of the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this instance:

Recommendation:

The Planning Authority considers that "underground HV ducting and cabling works linking existing and proposed substations at Killinskyduff and Templeraíneay, Kilbride, Co. Wicklow" is development and is exempted development as recommended in the report by the SEP.

Signed



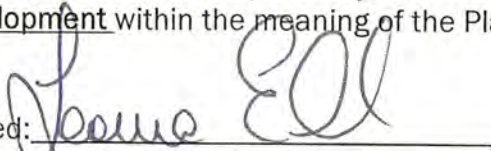
Dated 19th day of April 2024

ORDER:

I HEREBY DECLARE:

That "underground HV ducting and cabling works linking existing and proposed substations at Killinskyduff and Templeraíneay, Kilbride, Co. Wicklow" is development and is exempted development within the meaning of the Planning & Development Act 2000 (as amended).

Signed



Dated 19th day of April 2024

Director of Services

Planning, Economic & Rural Development

Section 5 Application EX 28/2024

Date : 9th April 2024

Applicant : Clonswees Limited

Address : Killinskeyduff and Temperainy, Kilbride , Co.Wicklow

Exemption Whether or not :

Underground Underground HV ducting and cabling works linking existing and proposed substations at Killiniskyduff and Templerainy Kilbride, Co. Wicklow.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

See report dated the 9th April 2024, and assessment therein . Further information was requested on the 10th of April 2024, and a reply was received on the 12th April 2024.

Further Information Request :

Item 1 -

Having regard to Section 5 (2)(b) of the Planning and Development Act 2000(as amended) you are requested to submit the following further information:

- i. Please submit evidence that Clonswees Limited is an undertaker authorized to provide an electricity service. In this regard you should submit confirmation that Clonswees Limited is licenced under The Electricity Regulation Act 1999 to provide an electricity service. You are referred to Section 14 of The Electricity Regulation Act 1999, and the definition of "electricity undertaking" i.e. *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;*

Response : Letter of approval form Commission for Regulations of Utilities confirming that Clonswees have been authorised under Section 14(1) and 16 of the Electricity Regulation Act 1999. Assessment: The submitted confirmation is noted, and therefore Clonswees Ltd is an authorised undertaker to provide electricity service, and therefore the description set out under Class 26 would apply.

Recommendation :

With respect to the query under Section 5 of the Planning and Development Act 2000, as to whether :

Underground HV ducting and cabling works linking existing and proposed substations at Killiniskyduff and Templerainy Kilbride, Co. Wicklow

is or is not development and is or is not exempted development

The Planning Authority considers that:

Underground HV ducting and cabling works linking existing and proposed substations at Killiniskyduff and Templerainy Kilbride, Co. Wicklow is development and is exempted development

Main Considerations with respect to Section 5 Declaration:

- (a) The details submitted with the Section 5 declaration application, and further information submitted on the 12th April 2024. .
- (b) ABP -312936-22 (PRR SI202201), ABP-302037-18 (PRR 17/1440), Exemption Certificate PRR EX 35/2020, Referral RL360
- (c) Section 2, 3,4 of the Planning and Development Act 2000(as amended)
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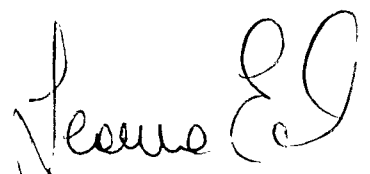
Main Reasons with respect to Section 5 Declaration:

- i. the laying of the underground cables comes within the scope of Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and therefore constitutes development,
- ii. the referrer in this case, Clonswees Limited, would come within the meaning of an undertaker authorised to provide an electricity service having regard to the authorisation received under Section 14 and 16 of The Electricity Regulation Act 1999, from the Commission for Regulation of Utilities.
- iii. the carrying out by the referrer of the development in question comes within the scope of Class 26 of Part 1 of Schedule 2 to the Planning and Development Regulations 2001 (as amended) and is, therefore, exempted development, and
- iv. none of the restrictions on exemption set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this instance:

Please send copy of the Declaration to the TII and Transport & Roads Infrastructure Section, to the Roads Section of Wicklow County Council, the following should be included with the cover letter issuing with the Section 5 Declaration a copy of which should also be sent to the TII and Transport & Roads Infrastructure Section.

The Planning Authority draw your attention to the following additional consents that will be required with respect to the cabling works proposed :

- Any crossings of the existing motorway network will require approval from Transport Infrastructure Ireland under Section 53 of the Roads Act, 1993 (as amended).
- A Road Opening Licence will be required for this development.



James O'Sullivan
19/4/24
2 | Page

MEMORANDUM

WICKLOW COUNTY COUNCIL

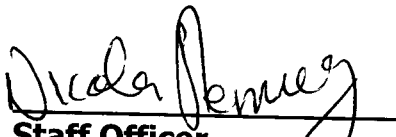
TO: Edel Bermingham
Senior Executive Planner

FROM: Nicola Fleming
Staff Officer

**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX27/2024**

I enclose herewith application for Section 5 Declaration received 22nd March 2024 and further information received on 12/04/2024.

The due date on this declaration is 2nd May 2024.


Staff Officer
Planning Development & Environment

Nicola Fleming

From: Nicola Fleming
Sent: Friday 12 April 2024 13:21
To: 'Christopher Doogan'
Subject: RE: Clonswees Limited - EX 28/2024

I acknowledge receipt of the Further Information for EX28/2024 and to advise that a decision is due on 2nd May 2024.

From: Christopher Doogan [<mailto:christopher.doogan@highfieldenergy.com>]
Sent: Friday 12 April 2024 10:50
To: Planning - Planning and Development Secretariat
Cc: Donal Keogh
Subject: Clonswees Limited - EX 28/2024

Dear Sir / Madam,

In response to the attached letter received from Wicklow County Council in relation to the above application, please see attached response issued on behalf of Clonswees Limited.

Can you please reply confirming receipt of this email?

Should you require any further information please do not hesitate to contact me.

Kind regards

--

Christopher Doogan
Highfield Energy Services Limited

t: +353 (0)1 5241175
m: +353 (0)86 7313 160
e: christopher.doogan@highfieldenergy.com
w: www.highfieldenergy.com

Registered Office: Design Studio 7 | Old Castle View | Kilgobbin Road | Dublin | D18 A243 | Ireland
Registered: Ireland 542158

Planning Department
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
Co. Wicklow

12th April 2024

Our ref: HFSL-WW-pl033

Your ref: EX 28/2024

RECEIVED 12 APR 2024

Re: Section 5 Application

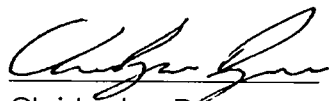
Dear Sir or Madam,

This letter is being sent in response to correspondence (included in **Annex A**) received from Wicklow County Council in relation to a submission made under Section 5 of the Planning Development Act 2000 on behalf of Clonswees Limited.

In response to item 1 of the attached letter, please see attached the following letter received from the Commission for Regulation of Utilities issued to Clonswees Limited confirming grant approval for an Authorisation to Construct or Reconstruct a Generating Station and Licence to Generate.

If you require any further information to satisfy the above request, please do not hesitate to contact me.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Christopher Doogan".

Christopher Doogan
Highfield Energy Services
Ph: +353 86 7313160
Email: christopher.doogan@highfieldenergy.com

Annex A; Wicklow County Council Correspondence

Annex B; CRU Correspondence

Annex A; Wicklow County Council Correspondence



COMHAIRLE CONTAE CHILL MhANTÁIN
Wicklow County Council

Plenáil, Forbairt Eacnamaíochta agus Tuaithe
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10th April 2024

Highfield Energy Services Limited
Design Studio 7
Old Castle View
Kilgobbin Road
Dublin 18
D18 A243

RE: EX 28/2024
Clonswees Limited – underground HV ducting and cabling works

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 22/03/2024 having regard to Section 5 (2)(b) of the Planning and Development Act 2000 (as amended) you are requested to submit the following further information:

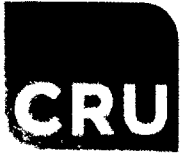
- i. Please submit evidence that Clonswees Limited is an undertaker authorized to provide an electricity service. In this regard you should submit confirmation that Clonswees Limited is licenced under The Electricity Regulation Act 1999 to provide an electricity service. You are referred to Section 14 of The Electricity Regulation Act 1999, and the definition of "electricity undertaking i.e. 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;

Mise, le meas

NICOLA FLEMING
STAFF OFFICER,
PLANNING DEVELOPMENT AND ENVIRONMENT.



Annex B; CRU Correspondence



An Coimisiún
um Rialáil Fóntas
Commission for
Regulation of Utilities

The Grain House
The Exchange
Belgard Square North
Tallaght, Dublin 24
D24 PXW0

T +353 1 4000 800
F +353 1 4000 850
E info@cru.ie
www.cru.ie

16th November 2022

Letter Ref. Number: D/22/25571

Mr. John O'Connor
Director
Clonswees Limited
Design Studio 7
Old Castle View
Kilgobbin Road
Dublin 18

Application ref: Auth/Gen 2022/08-02

Re: Grant of an Authorisation to Construct and Generation Licence under the Electricity Regulation Act, 1999 for North Arklow Solar plus Storage Facility

Dear Mr. O'Connor,

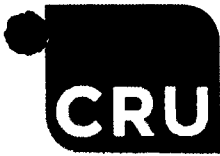
I am pleased to inform you that Clonswees Limited's application for an Authorisation to Construct and Licence to Generate, made to the Commission for Regulation of Utilities (CRU) under Sections 14(1)(a) and 16 of the *Electricity Regulation Act 1999*, has been successful. This relates to the proposed 90.5 MW Generating Station located at Templerainy, Coolboy, Ballinlea, Ballycooleen, Arklow, Co. Wicklow. The Authorisation and Licence come into effect on 16th November 2022.

Clonswees Limited's attention is drawn to the following Condition in the Authorisation:

- Under Condition 11 of the Authorisation, the Grantee shall report to the CRU on the progress of the construction or reconstruction of the generating station at three monthly intervals, the first report to be due on the date falling three calendar months after this Authorisation comes into force.

Clonswees Limited's attention is drawn to the following Conditions in the Licence:

- Under Condition 9 of the Licence, the Licensee shall ensure that the Operator of each of its generating stations is a person approved in writing by the CRU.
- Under Condition 12 of the Licence, the Licensee shall furnish to the CRU, in such manner and at such times as the Commission may consider necessary, such information and shall procure and furnish to it such reports as the CRU may consider necessary in the light of the Conditions or as it may require for the purpose of performing the functions assigned or transferred to it by or under the Act.
- Under Condition 13 of the Licence, the Licensee shall pay the CRU any amounts specified in, or determined under a Levy Order, in accordance with the provisions of such Levy Order (copy attached)



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um Rialáil Fóntas
Commission for
Regulation of Utilities

- Under Condition 14 of the Licence, the Licensee shall be party to, and shall comply with the Trading and Settlement Code insofar as applicable to it
- Under Condition 18, the Licensee shall not, without the prior written consent of the CRU, assign this Licence. Additionally, the Licensee shall not, without the prior written consent of the CRU, transfer to another person all or any part of the Generation Business carried out under this Licence
- Under Condition 19, the Licensee shall notify the CRU of a change in control of the Licensee as soon as is practicable after such a change in control occurs.

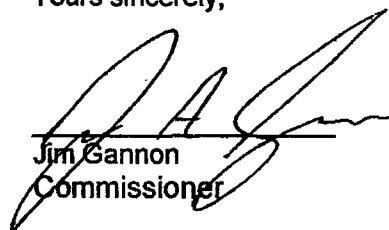
I would also like to bring to your attention the CRU Decision Paper CER/17/277, which sets out the planned modifications to Generation Licences under the I-SEM project. Such modifications consist of changes to existing Licence conditions as well as the introduction of new Licence conditions.

Please note all applicants are advised that in order to trade in the market, in addition to holding the necessary Licences and Authorisations from the CRU, accession to the Trading and Settlement Code is required. Applications for market accession are to be made to Single Electricity Market Operation (SEMO) (Settlement System Administrator – Market Support Division) once the relevant licence from the Commission has issued.

To facilitate timely accession to the market, applications should be made as early as possible. Please contact SEMO on 1800 778111 or registration@sem-o.com for information on this process.

Please find enclosed the Authorisation and Licence to Generate. In addition please find copies of the associated guidance notes. These will assist in ensuring required submissions are complied with on an ongoing basis. Please retain these Guidance Notes with your Authorisation and Licence to Generate and refer to them as required.

Yours sincerely,



Jim Gannon
Commissioner



Comhairle Contae Chill Mhantáin
Wicklow County Council

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10th April 2024

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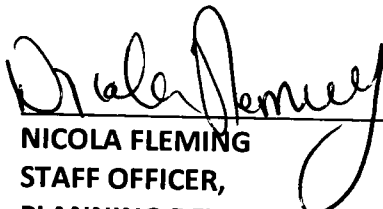
RE: EX 28/2024
Clonswees Limited – underground HV ducting and cabling works

A Chara

In respect of your query under Section 5 of the Planning and Development Act 2000 (as amended), received on 22/03/2024 having regard to Section 5 (2)(b) of the Planning and Development Act 2000 (as amended) you are requested to submit the following further information:

- i. Please submit evidence that Clonswees Limited is an undertaker authorized to provide an electricity service. In this regard you should submit confirmation that Clonswees Limited is licenced under The Electricity Regulation Act 1999 to provide an electricity service. You are referred to Section 14 of The Electricity Regulation Act 1999, and the definition of "electricity undertaking" i.e. *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;*

Mise, le meas



NICOLA FLEMING
STAFF OFFICER,
PLANNING DEVELOPMENT AND ENVIRONMENT.



Section 5 Application EX 28/2024

Date : 9th April 2024

Applicant : Clonswees Limited

Address : Killinskeyduff and Temperainy, Kilbride , Co.Wicklow

Exemption Whether or not :

Underground Underground HV ducting and cabling works linking existing and proposed substations at Killiniskyduff and Templerainy Kilbride, Co. Wicklow.

constitutes exempted development within the meaning of the Planning and Development Acts, 2000(as amended).

Planning History :

An Bord Pleanala Reference 312936 (PRR SI202201) –

a 10 year permission for the construction of an electrical substation and associated 110kV and MV ancillary infrastructure required to connect ground mounted solar PV generation to the electricity transmission system; Including Underground electrical cabling (approximately 1.4km in length) connecting the proposed substation to the Arklow 220kV substation, (entirely along the public road network - the R772 - from where it leaves the site of the proposed substation and access road). Not subject to EIA or AA.

ABP-302037-18 (PRR 17/1440)

10 year permission for the construction of a Solar PV Energy development at Ballinlea, Ballyrichard & Templerainy, Arklow, Co. Wicklow within a total site area of up to 58.9 hA, to include one single storey electrical substation building, electrical transformer / inverter station modules, battery storage modules, solar PV panels ground mounted on steel support structures, access roads, fencing and associated electrical cabling, ducting and ancillary infrastructure

Condition 4 provided : -

4. This permission shall not be construed as any form of consent or agreement to a connection to the national grid or to the routing or nature of any such connection.

Reason: In the interest of clarity.

EX 35/2020

The Planning Authority considers that

MV ducting and cabling works for an Underground Electrical Connection linking existing and proposed substations at Killiniskyduff and Templerainy to connect the permitted Solar Farm ABP-302037-18 (PRR 17/1440) to the Arklow 220kv substation is development and **is exempted development.**

Main Reasons -

The provision of MV ducting and cabling works for an underground electrical connection cabling/ ducting works to provide an electrical connection from the Solar Farm permitted by reference to ABP-302037-18 (PRR 17/1440) to the Arklow 220kv substation would accord with the provisions of Schedule 2, Part 1, Class 26 of the Planning and Development Regulations 2001 (as amended).

Relevant legislation :

Planning and 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.

‘structure’: means any building, structure, excavation, or other thing constructed or made on, in or under and land, or any part of a structure so defined, and -

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

...

“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 purposes of the carrying on of the activities of, any public undertaking;

Section 3 :

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) provides that the Minister may by regulations provide any class of development to be exempted development. The Regulations which are applicable in this case are the Planning and Development Regulations 2001 (as amended).

Planning and Development Regulations 2001(as amended).

Article 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) - Note see Regulations for full Article

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—

- (viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places,
- (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
- (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.

Schedule 2, Part 1

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.

Conditions / Limitation: none

Arklow and Environs Local Area Plan 2018

RE : Existing Residential To protect, provide and improve residential amenities of existing residential areas. To provide for house improvements, alterations and extensions and appropriate infill residential development in accordance with principles of good design and protection of existing residential amenity. In existing residential areas, the areas of open space permitted, designated or dedicated solely to the use of the residents will normally be zoned 'RE' as they form an intrinsic part of the overall residential development; however new housing or other non-community related uses will not normally be permitted.

OS2 To protect and enhance existing open, undeveloped lands.

To protect, enhance and manage existing open, undeveloped lands that comprise flood plains, buffer zones along EU and nationally protected sites (Natura 2000 sites, NHAs etc), watercourses and rivers, steep banks, green breaks between built up areas, green corridors and areas of natural biodiversity.

Relevant An Bord Pleanála Referrals :

RL3606

WHEREAS a question has arisen as to whether the laying of underground MV cables to link a substation in the permitted Drumroe solar farm development (Waterford City and County Council permission reference number 16/126, An Bord Pleanála appeal reference number PL93.246902) to the existing ESB Kilcoher substation at Kilcoher and Drumroe, Cappoquin, County Waterford is or is not development or is or is not exempted development:

An Bord Pleanála has concluded that:

- (a) the laying of the underground cables comes within the scope of Sections 2(1) and 3(1) of the Planning and Development Act 2000, as amended, and therefore constitutes development,
- (b) the referrer in this case, Highfield Solar Limited, is a statutory undertaker and an electricity undertaking, within the meaning of Article 3(3) of the Planning and Development Regulations 2001, as amended,
- (c) the carrying out by the referrer of the development in question comes within the scope of Class 26 of Part 1 of Schedule 2 to these Regulations and is, therefore, exempted development, and
- (d) none of the restrictions on exemption set out in Section 4(4) of the Planning and Development Act 2000, as amended, or set out in Article 9 of the Planning and Development Regulations, 2001, as amended, apply in this instance:

Assessment:

The query under Section 5 of the Planning and Development Act 2000 (as amended) is whether the provision of Underground HV ducting and cabling works linking existing and proposed substations at Killiniskyduff and Templerainy Kilbride, Co. Wicklow, is or is not exempted development

The cabling will connect the permitted electrical substation (ABP Ref 312936 (PRR S1202201) and permitted solar farm (ABP-302037-18 (PRR 17/1440)) to the Arklow 220kv substation.

The route as indicated in the AA Screening report is c. 1.2km, and overlaps to a large extent with the route for the connection of the Solar Farm deemed exempted development under EX 35/2020, and partially with that permitted by reference to An Bord Pleanála permission ABP Ref 312936 . The route of the cable runs from the proposed Solar farm substation to the public road, then along the R772, it then traverses in front of the small cul-de-sac of houses on the L-21720-0, before crossing under the M11. The cable then traverses along access L-21720-10 in front of houses, before entering onto the R772 at this point and connecting further down this road with the Arkow substation.

The first assessment must be whether or not such works are development within the remit of Section 3 of the Planning and Development Act 2000(as amended). In this regard, Section 3 of the Planning and Development Act provides that:

"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.

It should be noted that Section 2 of the 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.

With regard to the above, it is considered that the provision of an underground electrical cable connection which would involve excavation/ trenching, would fall within the definition of works, and as such would constitute 'development' under the meaning of the Act.

The second stage of the assessment is to determine whether the works involved in the provision of an underground electrical cable connection from the sub-station within the proposed Ballinlea Lower Solar Farm to Templerainy 220kv substation is or is not exempted development.

In this regard it is noted that Class 26 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) provides an exemption for:

The carrying out by any undertaker authorized 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.

The definition of electricity undertaking" means an undertaker authorised to provide an electricity service,

The Electricity Regulation Act 1999 provides that "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;

The submitted works are for an underground connection in the name of Clonswees Limited. No details have been submitted of licences held by Clonswees Limited as required by the Electricity Regulation Act 1999 to confirm that they are authorized under the Section 14 of the Regulation Act, this would be required.

The works identified would come within the definition of Class 26, subject to confirmation of licence.

Article 9 restricts the application of the exemptions set out under Schedule 2, and an examination of the relevant restrictions is set out below :

(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places,

The cabling is located within the 50m buffer for W1040-049 which is a burnt mound excavated as part of the Arklow bypass scheme. It is considered that the cabling will not impact on this record given that it is within the line of the farm tunnel which would already have been subject to archaeological monitoring as part of the road scheme. The cabling will therefore not result in the excavation/ alteration or demolition of any archaeological 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

A screening report was submitted with respect to the proposed cabling works. The cabling/ ducting proposed is located on lands which are not within or adjacent to any Natura 2000 site. The closest Natura 2000 site is the Buckronev- Brittas Dunes and Fen (c. 3km north east), with the Slaney River Valley SAC at its closest point c. 14km to the south. From examination it is apparent that there is no direct link to either of these Natura 2000 sites. It is considered that given the nature of the works that the provision of cabling on its own or in combination will not give rise to any negative impacts on any Natura 2000 site and therefore the need to proceed to the Second Stage i.e. Appropriate Assessment is not considered necessary in this instance.


Having regard to the above, further information is required to confirm that the applicant is licensed under the Electrical Regulation Act 1999.

Recommendation :

Further Information :

Having regard to Section 5 (2)(b) of the Planning and Development Act 2000(as amended) you are requested to submit the following further information:

- i. Please submit evidence that Clonswees Limited is an undertaker authorized to provide an electricity service. In this regard you should submit confirmation that Clonswees Limited is licenced under The Electricity Regulation Act 1999 to provide an electricity service. You are referred to Section 14 of The Electricity Regulation Act 1999, and the definition of "electricity undertaking" i.e. *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;*


9/11/2024

MEMORANDUM

WICKLOW COUNTY COUNCIL

**TO: Edel Bermingham
Senior Executive Planner**

**FROM: Nicola Fleming
Staff Officer**

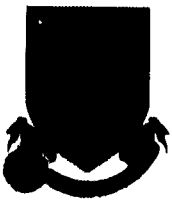
**RE:- Application for Certificate of Exemption under Section 5 of the
Planning and Development Acts 2000 (as amended).
EX28/2024**

I enclose herewith application for Section 5 Declaration received 22nd March 2024.

The due date on this declaration is 18th April 2024.



**Staff Officer
Planning Development & Environment**



Comhairle Contae Chill Mhantáin
Wicklow County Council

Pleanáil, Forbairt Eacnamaíochta agus Tuaithe
Planning, Economic and Rural Development

Áras An Chontae / County Buildings
Cill Mhantáin / Wicklow
Guthán / Tel: (0404) 20148
Faics / Fax: (0404) 69462
Rphost / Email: plandev@wicklowcoco.ie
Suíomh / Website: www.wicklow.ie

21st March 2024

Highfield Energy Services Limited
Design Studio 7
Old Castle View
Kilgobbin Road
Dublin 18
D18 A243

RE: Application for Certificate of Exemption under Section 5 of the Planning and Development Acts 2000 (as amended). – EX28/2024 for Clonswees Limited

A Chara

I wish to acknowledge receipt on 22/03/2024 details supplied by you in respect of the above Section 5 application. A decision is due in respect of this application by 18/04/2024.

Mise, le meas

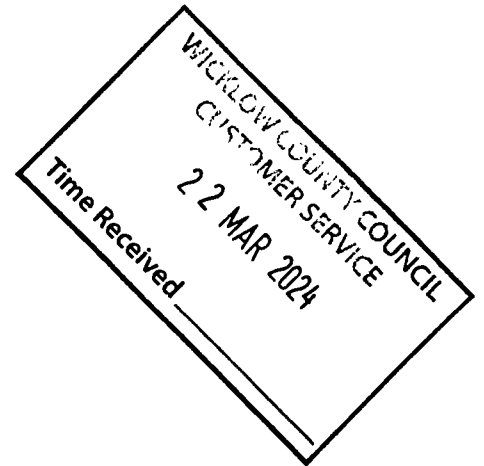
NICOLA FLEMING
STAFF OFFICER
PLANNING ECONOMIC & RURAL DEVELOPMENT



Planning Department
Wicklow County Council
County Buildings
Whitegates
Wicklow Town
Co. Wicklow

20th March 2024

Our ref: HFSL-WW-pl033
Your ref:



Re: Section 5 Application

Dear Sir or Madam,

Highfield Energy Services Limited act as Agents for Clonswees Limited.

This letter accompanies an application for exempted development of underground HV cabling and ducting linking existing and consented substations at, respectively, Killiniskyduff and Templerainy, Kilbride, Co. Wicklow.

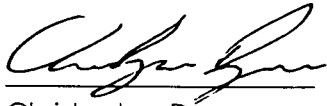
The appropriate payment of €80 for this application has been made online using the payment reference pl033 Clonswees Limited.

Please find attached;

- 1 no. completed application form signed by the agent;
- 1 no. copy of the Site Location drawing (Figure 1.0 @ 1:2500)
- 1 no. copy of the Block Plan and Site Layouts (Figures 1.1 & 1.2 @ 1:500);
- 1 no. copy of further plans and particulars (there is a schedule of the planning drawings attached);
- 1 no. copy of an Appropriate Assessment Screening Report in relation to the proposed works.

If there are any issues with the information presented or you have any queries while processing this application please contact me as required and I will give every assistance possible, my details are below.

Yours faithfully,



Christopher Doogan

Highfield Energy Services

Ph: +353 86 7313160

Email: christopher.doogan@highfieldenergy.com

Annex A; Completed Application Form

Annex B; Schedule of Drawings

Annex C; Appropriate Assessment Screening Report

Annex A; Completed Application Form

Wicklow County Council
County Buildings
Wicklow
0404-20100

21/03/2024 14 30 03

Receipt No L170/326958
***** REPRINT *****

CLONSWEEES LTD
DESIGN STUDIO 7
OLD CASTLE VIEW
KILGOBBIN ROAD
DUB 18

EXEMPTION CERTIFICATES	80 00
GOODS	80 00
VAT Exempt/Non-vatable	

Total 80 00 EUR

Tendered
Credit Card 80 00
CLONSWEEES LTD

Change 0 00

Issued By Ruth Graham
From Customer Service Hub
Vat reg No 0015233H



Wicklow County Council
County Buildings
Wicklow
Co Wicklow
Telephone 0404 20148
Fax 0404 69462

Office Use Only

Date Received _____

Fee Received _____

**APPLICATION FORM FOR A
DECLARATION IN ACCORDANCE WITH SECTION 5 OF THE PLANNING &
DEVELOPMENT ACTS 2000(AS AMENDED) AS TO WHAT IS OR IS NOT
DEVELOPMENT OR IS OR IS NOT EXEMPTED DEVELOPMENT**

1. Applicant Details

(a) Name of applicant: Clonswees Limited

Address of applicant: Design Studio 7, Old Castle View, Kilgobbin Road

Dublin 18, D18 A243

Note Phone number and email to be filled in on separate page.

Wicklow County Council

22 MAR 2024

PLANNING DEPT.

2. Agents Details (Where Applicable)

(b) Name of Agent (where applicable) Highfield Energy Services Limited

Address of Agent : Design Studio 7, Old Castle View, Kilgobbin Road

Dublin 18, D18 A243

Note Phone number and email to be filled in on separate page.

3. Declaration Details

i. Location of Development subject of Declaration Templerainy & Killiniskyduff
Arklow, Co. Wicklow

ii. Are you the owner and/or occupier of these lands at the location under i. above ?
Yes No Tenant

iii. If 'No' to ii above, please supply the Name and Address of the Owner, and or occupier Michael Horsman / Christopher Hill, Templerainey, Arklow, Co. Wicklow
Y14W862 (co-executors for the estate of Peter Horsman)
Sarah Horsman, 43 The Maples, Wexford Road, Arklow, Co. Wicklow
THE COUNTY COUNCIL OF THE COUNTY OF WICKLOW,
COUNTY BUILDINGS, WICKLOW, COUNTY WICKLOW

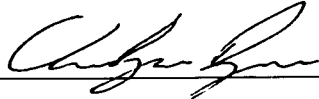
iv. Section 5 of the Planning and Development Act provides that : If any question arises as to what, in any particular case, is or is not development and is or is not exempted development, within the meaning of this act, any person may, an payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question. You should therefore set out the query for which you seek the Section 5 Declaration Are the underground HV ducting and cabling works outlined in the attached submission considered development works and if so, are these works Exempted Development?

Additional details may be submitted by way of separate submission.

v. Indication of the Sections of the Planning and Development Act or Planning Regulations you consider relevant to the Declaration Section 5 of the Planning and Development Act 2000-2015
Class 26 of Part 1 of Schedule 2 (Article 6) of the Planning and Development Regulations 01 as amended

Additional details may be submitted by way of separate submission.

- vi. Does the Declaration relate to a Protected Structure or is it within the curtilage of a Protected Structure (or proposed protected structure) ? No
- vii. List of Plans, Drawings submitted with this Declaration Application _____
Figure 1.0 - Site Location Plan
Figure 1.1 - Block Plan
Figure 1.01 - Site Location Plan
Figure 1.2 (A) - Site Layout - Block A, Figure 1.2 (B) - Site Layout - Block B
Figure 1.2 (C) - Site Layout - Block C, Figure 1.2 (D) - Site Layout - Block D
Appropriate Assessment Screening Report
- viii. Fee of € 80 Attached ? Payment made via cash office (ref; pl033 Clonswees Ltd)

Signed :  Dated : 20/03/2024

Additional Notes :

As a guide the minimum information requirements for the most common types of referrals under Section 5 are listed below :

- A. Extension to dwelling - Class 1 Part 1 of Schedule 2
- Site Location Map
 - Floor area of structure in question - whether proposed or existing.
 - Floor area of all relevant structures e.g. previous extensions.
 - Floor plans and elevations of relevant structures.
 - Site Layout Plan showing distance to boundaries, rear garden area, adjoining dwellings/structures etc.

B. Land Reclamation -

The provisions of Article 8 of the Planning and Development Regulations 2001 (as amended) now applies to land reclamation, other than works to wetlands which are still

governed by Schedule 2, Part 3, Class 11. Note in addition to confirmation of exemption status under the Planning and Development Act 2000(as amended) there is a certification process with respect to land reclamation works as set out under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 S.I. 456 of 2011. You should therefore seek advice from the Department of Agriculture, Fisheries and Food.

Any Section 5 Declaration should include a location map delineating the location of and exact area of lands to be reclaimed, and an indication of the character of the land.

C. Farm Structures - Class 6 -Class 10 Part 3 of Schedule 2.

- Site layout plan showing location of structure and any adjoining farm structures and any dwellings within 100m of the farm structure.
- Gross floor area of the farm structure
- Floor plan and elevational details of Farm Structure and Full details of the gross floor area of the proposed structure.
- Details of gross floor area of structures of similar type within the same farmyard complex or within 100metres of that complex.

Annex B; Schedule of Drawings

Schedule of Drawings

<i>Title</i>	<i>Drawing Size</i>	<i>Drawing No.</i>	<i>Scale</i>
Site Location Plan	A1	FIGURE 1.0	1:2500
Block Plan	A1	FIGURE 1.1	1:2500
Site Location Plan (1:4000)	A1	FIGURE 1.01	1:4000
Site Layout (Block A)	A1	FIGURE 1.2 (BLOCK A)	1:500
Site Layout (Block B)	A1	FIGURE 1.2 (BLOCK B)	1:500
Site Layout (Block C)	A1	FIGURE 1.2 (BLOCK C)	1:500
Site Layout (Block D)	A1	FIGURE 1.2 (BLOCK D)	1:500

RECEIVED 22 MAR 2024

Annex C; Appropriate Assessment Screening Report

RECEIVED 22 MAR 2024

Annex D; Appropriate Assessment Screening Report

**Underground Cable route from Ballinclea Lower Solar Farm to
Arklow 220kV Substation, Arklow, County Wicklow**

Appropriate Assessment Screening

February 2024

Prepared for:

Highfield Solar Limited

By:



**wetland
surveys
ireland**

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Document Control Sheet

Client	Highfield Solar Limited
Project Title	Ballinlea Lower Solar Farm to Arklow 220kV Substation UCG
Document Title	Appropriate Assessment Screening
Project Number	WS0864
Document No.	Ballinlea Lower SF 1.2km UGC AA

Revision	Status	Author	Review	Approved	Date
001	Draft	JOS			21/02/24
	FINAL		PC	PC	04/03/24
Wetland Surveys Ireland					

CONTENTS

	Page
1 INTRODUCTION	3
1.1 STATEMENT OF AUTHORITY.....	3
1.2 STATUTORY CONTEXT.....	4
2 METHODOLOGY.....	5
2.1 APPROPRIATE ASSESSMENT.....	5
2.2 ECOLOGICAL ASSESSMENT.....	6
3 APPROPRIATE ASSESSMENT SCREENING.....	7
3.1 PROJECT DESCRIPTION	7
3.1.1 <i>Construction Phase</i>	8
3.1.2 <i>Operational Phase</i>	8
3.2 SITE DESCRIPTION (EXISTING ENVIRONMENT).....	9
3.3 IS THE PROJECT NECESSARY TO THE MANAGEMENT OF EUROPEAN SITES.....	13
3.4 IDENTIFICATION OF EUROPEAN SITES.....	13
3.4.1 <i>Buckronev – Brittas Dunes and Fen SAC</i>	16
3.5 IDENTIFICATION AND DESCRIPTION OF POTENTIAL IMPACTS.....	18
3.5.1 <i>Elements of the proposed Project with Potential to Give Rise to Significant Effects</i>	18
3.5.2 <i>Direct, Indirect or Secondary Impacts</i>	18
3.6 IN-COMBINATION / CUMULATIVE IMPACTS	22
3.7 CONCLUSION OF SCREENING.....	24
4 REFERENCES.....	25

LIST OF FIGURES

FIGURE 1: PROPOSED UGC ROUTE.....	7
FIGURE 2: EUROPEAN SITES WITHIN 5KM OF THE PROPOSED DEVELOPMENT SITE.....	15

LIST OF TABLES

TABLE 1: QUALIFYING INTERESTS OF THE BUCKRONEY – BRITTAS DUNES AND FEN SAC (SOURCE: WWW.NPWS.IE).....	16
TABLE 2: POTENTIAL FOR LIKELY SIGNIFICANT EFFECTS ON THE BUCKRONEY – BRITTAS DUNES AND FEN SAC	20

LIST OF APPENDICES

Appendix I:	Published NPWS SAC description
Appendix II:	Completed Appropriate Screening matrix summarising the outcome of AA Screening process.

1 INTRODUCTION

Wetland Surveys Ireland Ltd. were commissioned by Highfield Solar Ltd. to determine the potential impacts, if any, of developing a grid connection in the form of an Underground Cable (UGC) from the consented Ballinlecka Lower Solar Farm to the Arklow 220kV Substation, Arklow, Co. Wicklow on sites designated as European conservation areas known as Natura 2000 sites (hereafter referred to as European sites).

The proposed UGC route is located in the townland of Ballinlecka, circa 2.5km north of Arklow, Co. Wicklow. The proposed route follows public roads for the most part with one section requiring directional drilling beneath the M11 and another brief section running through agricultural lands. The proposed UGC route is not located within any site designated for nature conservation.

The nearest European site to the proposed development site is the Buckronev – Brittas Dunes and Fen SAC (NPWS site code: 000729) located approximately 2km north-east of the proposed solar farm site. The aim of this assessment is to determine the appropriateness, or otherwise of the proposed development in the context of the conservation objectives of relevant European sites.

1.1 STATEMENT OF AUTHORITY

This report was prepared by Dr. Patrick Crushell and Mr. Joe O’Sullivan, Ecologists with Wetland Surveys Ireland Ltd. Dr. Crushell (BSc Applied Ecology; MSc Environmental Resource Management, PhD Environmental Sciences, C Ecol, MCIEEM) received an honours degree in Applied Ecology from UCC, a Masters degree in Environmental Resource Management from UCD and defended his PhD at Wageningen University, the Netherlands. He is a Chartered Ecologist and Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM). Dr. Crushell has been working in the area of nature conservation and ecological impact assessment for the past twenty-two years.

Joe O’Sullivan (BSc Environmental Science) received an honours degree in Environmental Science from the University of Galway (formerly NUIG). He is a Qualifying Member of the Chartered Institute of Ecology and Environmental Management. Since joining Wetland Surveys Ireland Joe has worked on a wide range of projects including baseline ecological surveys and ecological assessments for a variety of developments. Joe also has worked on various projects relating to nature conservation biodiversity such as raised bog conservation assessments and county wetland surveys.

1.2 STATUTORY CONTEXT

This Appropriate Assessment Screening Report has been prepared in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (European Commission 2021), the European Commission Guidance Managing Natura 2000 Sites (European Commission 2018) and with reference to the Department of the Environment and Heritage and Local Government guidance on Appropriate Assessment of plans and projects in Ireland (DEHLG 2010).

The EU Habitats Directive (92/43/EEC) provides the framework for legal protection for habitats and species of European importance. The directive provides the legislative means to establish a network of sites (known as the Natura 2000 network) throughout the EU with the objective of conserving habitats and species deemed to be of community interest. These sites include Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive (formally known as the Conservation of Wild Birds Directive 79/409/EEC).

Article 6(3) and 6(4) of the Habitats Directive lays down the procedure to be followed when planning new developments that might affect a European site. This stepwise procedure requires that a plan or project having a likely significant negative effect on a Natura 2000 site undergoes an 'Appropriate Assessment' to study these effects in detail and to see how they relate to the conservation objectives of the site. Depending on the findings of the Appropriate Assessment, the competent authority agrees to the plan or project as it stands if it has ascertained that it will not adversely affect the integrity of the site(s) concerned.

However, should this assessment have ascertained that there will be an adverse effect it may require one or more of the following, depending on the degree of impact:

- Specific mitigation measures are introduced to remove the negative effects;
- Certain conditions are respected during the construction, operational or decommissioning phases of the project, again to remove the likelihood of negative effects or to reduce them to an insignificant level where they no longer affect the integrity of the site;
- Feasible alternatives are explored instead.

In exceptional circumstances, a plan or project may still be allowed to go ahead under certain conditions, in spite of being assessed as having negative effects on the site provided the procedural safeguards laid down in the Habitats Directive are followed. This may be possible, for instance, if the plan or project is considered to be of overriding public interest and there are no alternatives available. In such cases, compensation measures will need to be implemented to ensure that the overall coherence of European sites is protected.

2 METHODOLOGY

2.1 APPROPRIATE ASSESSMENT

This Appropriate Assessment Screening Report has been prepared in accordance with the following guidance:

- *Appropriate Assessment of Plans and Projects in Ireland*. Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, 2010.
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission Environment DG, 2021.
- Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC. European Commission, 2018.
- Office of the Planning Regulator (OPR). Appropriate Assessment Screening for Development Management. OPR Practice Note PN01, 2021

There are up to four successive stages involved in the Appropriate Assessment process (European Commission 2002). The outcome at each stage determines whether the next stage in the process is required. The following describes each of the four stages:

Stage 1 – Screening

This is the first stage in the process and is carried out to determine the necessity for a more detailed Stage 2 Appropriate Assessment where likely significant impacts on European sites are identified. The following steps are involved in the Stage 1 Screening:

- Description of the project / plan and site characteristics (existing environment)
- Determination of whether the project is directly connected with, or necessary to, the management of a Natura 2000 site
- Identification and description of European sites that could potentially be affected
- Identification and description of potential impacts
- Assessment of potential impacts
- Exclusion of sites where no significant effects are foreseen

Stage 2 – Appropriate Assessment

If likely significant effects are foreseen, this stage involves assessing the impact of the plan or project on the integrity of the European site, either alone or in combination with other plans or projects, with respect to the structure and function of the site and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts is carried out. If adequate mitigation is proposed to ensure no significant adverse impacts on European sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage 3.

Stage 3 – Procedure under Article 6(4) Assessment where no Alternative Solutions Exist and where Adverse Impacts Remain

This final stage only comes into play if, despite a negative assessment, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed. The plan or project process examines alternative ways of achieving the objectives of the plan or project that may avoid adverse impacts on the integrity of the European site. This is only possible if there are no alternative solutions, the imperative reasons of overriding public interest are duly justified, and if suitable compensatory measures are adopted to ensure that the overall coherence of the Natura 2000 network is protected.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the project or plan should aim to avoid any impacts on European sites by identifying possible impacts early in the process and designing / writing the project or plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If the project or plan is still likely to result in impacts on European sites, and no further practicable mitigation is possible, then it must be rejected. If no alternative solutions are identified and the plan is required for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

In the case of this Appropriate Assessment Screening Report, it was found that the project does not require Stage 2 Appropriate Assessment.

2.2 ECOLOGICAL ASSESSMENT

A desktop survey and an ecological field survey were undertaken to inform the baseline ecological environment of the study area. The desktop study of the proposed route was undertaken by referring to aerial photography and other GIS and ecological datasets. A targeted multidisciplinary walkover survey was undertaken throughout the study area. The aim of the walkover survey was to record the ecological characteristics of the habitat along the proposed route with a view to identifying any ecological sensitivities or constraints. Surveys were undertaken by a surveyor who walked the proposed route to record features of ecological interest using a GPS enabled mobile device. The grid route was assessed as a 20m corridor to allow for flexibility in the design. Particular attention was given to the proposed horizontal directional drill launch and reception locations.

3 APPROPRIATE ASSESSMENT SCREENING

3.1 PROJECT DESCRIPTION

The project under consideration in this assessment is the construction of a grid connection in the form of an UGC that would connect the Ballinaclea Lower Solar Farm to the Arklow 220kV Substation. The proposed UGC route is 1.2km in length and follows public roads for the most part with one section requiring horizontal directional drilling (HDD) beneath the M11 motorway. Another short section runs through agricultural land where it joins the Ballinaclea Lower Solar Farm to the north. The layout of the proposed development is shown in Figure 1 below.



Figure 1: Proposed UGC Route

3.1.1 Construction Phase

Works associated with the UGC installation will be carried out in accordance with the ESB Networks Ducting Specification Manual and Best Industry Practice. Adequate control checks throughout the installation phase will be undertaken by the contractor. No in-stream works associated with the installation of the UGC are foreseen. The following environmental controls will be in place during construction to safeguard downstream water quality:

- Concrete washing of machines will take place off-site at an appropriate dedicated wash facility that will pose no threat to surface waters.
- Re-fueling of machinery will only be carried out in designated areas removed from any watercourses. All fuels used on site will be stored in bunded units. Plant and vehicles will be inspected regularly for leaks. Drip trays will be fitted to all plant machinery.
- Use of weather forecasting to plan dry days for concrete pouring.
- Stockpiling of materials during construction will only occur in suitably designated areas away from watercourses with adequate measures taken to prevent any surface water run-off. Where it is deemed necessary silt traps and silt curtains will be employed to safeguard the protection of watercourses in the vicinity of the proposed works.
- Horizontal Directional Drilling (HDD) will be used to install the UGC where the proposed route crosses underneath the M11 motorway. HDD is a trenchless method used to install underground infrastructure such as cables beneath obstacles like motorways or waterways without disrupting the surface. It involves drilling a pilot hole along a predetermined path underground, using specialized drilling equipment. Once the pilot hole is completed, the drilling equipment is removed, and a reamer enlarges the hole to the desired diameter. Finally, the cable is pulled through the enlarged hole, allowing for the installation of underground utilities with minimal surface disruption.

3.1.2 Operational Phase

The UGC will function as a grid connection throughout the operational phase of the Ballinclea Solar Farm. There are no identified emissions (noise, water, etc.) from the project during the operational phase.

3.2 SITE DESCRIPTION (EXISTING ENVIRONMENT)

A detailed description of the existing ecological environment within and immediately surrounding the proposed development route is presented in the Ecological Impact Statement that accompanies the application.

The UCG route crosses agricultural land from the Ballinlecka Solar Farm to the R772 where the route occurs within two fields of Improved agricultural grassland (GA1). These fields are tightly grazed by sheep and the field boundaries are defined by hedges and treelines consisting of Ash (*Fraxinus excelsior*), Blackthorn (*Prunus spinosa*), Elder (*Sambucus nigra*) and Hawthorn (*Crateagus monogyna*) with average heights of 3-6m (see Plate 1). A shallow drain runs through the boundary hedge. Where the route enters the second field adjacent to the R772 the route crosses a small drain and a wide hedge consisting of Bramble (*Rubus fruticosus*), Gorse (*Ulex europaeus*) and Hawthorn. The route follows along the field boundary to the R772 where the route passes through a pre-existing gated access point with Bramble and Gorse either side of the gate.



Plate 1: Hedge and shallow drain where the UGC route intersects.

The route runs then runs along R772, which is bordered by immature woodland. This woodland is a young Birch (*Betula sp.*) woodland with Bramble and Gorse throughout (see Plate 2). Ivy (*Hedera helix*) grows on many of the young trees and covers the ground floor of the woodland. Minor dumping was noted as well as small mammal burrows. These are likely Rabbit (*Oryctolagus cuniculus*) burrows. Willow (*Salix sp.*) and Ash trees also occur in the woodland. The woodland is raised approximately 2m above the road on the southern side of the proposed route.



Plate 2: R772 at access point into adjacent field.

Where the proposed route reaches the location of the proposed drilling pit to the north of the M11 the route runs along an access road for a small number of domestic dwellings. The road is narrow with tightly cut grass verges. An earthen embankment with frequent small mammal burrows occurs on the opposite side of the road to the houses. The grass verge consists of Nettles (*Urtica dioica*), Ivy, Broad-leaved dock (*Rumex obtusifolius*) and Dandelion (*Taraxacum spp.*) on an embankment. The adjacent woodland consists of young birch woodland with trees growing very straight in form with some Ivy cover (see Plate 3).



Plate 3: Earthen embankment at proposed HDD location.

The UGC reemerges at the southern drilling pit and the route follows another access road for a small number of domestic dwellings as well as some agricultural land. The road also provides access to a site that has been cleared for construction. The track up to the site is being encroached by Gorse. The road itself is surfaced and features overgrown grass verges (see Plate 4). Ornamental trees and shrubs are present in the garden of the house adjacent to the proposed route. Bramble, Willow and Ivy grow in the unkept roadside verges. From here the UGC route follows the R772 south to the Arklow 220kV Substation.

It is confirmed that the habitats along the proposed route are of low ecological value and there are no EU Annex I listed habitats present. In addition, those habitats recorded along the route are unlikely to support any EU Annex II listed species or Birds Directive Annex I species.



Plate 4: HDD location south of M11.

3.3 IS THE PROJECT NECESSARY TO THE MANAGEMENT OF EUROPEAN SITES

Under the Habitats Directive, projects that are directly connected with or necessary to the management of a European site do not require AA. For this exception to apply, management is required to be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site(s). The relationship should be shown to be direct and not a by-product of the project, even if this might result in positive or beneficial effects for a site(s).

The primary purpose of the project is not the nature conservation management of European sites, but to develop a grid connection in the form of an UGC from Ballinlea Solar Farm to the Arklow 220kV Substation. Therefore, the project is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

3.4 IDENTIFICATION OF EUROPEAN SITES

This section of the screening process identifies and describes the European sites potentially affected by the proposed development. A distance of 5km is considered as a precautionary measure, taking account of the scale and character of the proposed solar farm development, to ensure that all potentially affected European sites are included in the screening process. Additionally, European sites within the zone of influence of the proposed development have also been considered. The Office of the Planning Regulator (OPR) Source-Pathway-Receptor (S-P-R) model was used to determine the European sites within the zone of influence of the proposed development.

The source of likely significant effects relates to the characteristics of the proposed development including the nature, scale, and location of the planning development area and the type of impacts likely to arise from the development. Direct and indirect impacts arising from the construction and operation of the proposed development were considered. The existence and characteristics of potential pathways that could link the proposed development to European sites and their qualifying features were assessed. The location, nature and potential sensitivities of ecological receptors that support the conservation objectives specified to maintain or restore the favourable conservation status of the potentially affected site were also considered.

Taking account of the nature, scale, and location of the proposed development, the relevant European sites potentially affected by the proposed development (using the S-P-R model) are included in the screening process. One European site occurs within 5km of the proposed development; the Buckronev – Brittas Dunes and Fen SAC (see Figure 2). A detailed description published by NPWS is presented in Appendix I. The Buckronev – Brittas Dunes and Fen SAC

(NPWS Site Code: 000729) occurs circa 2km north-east of the proposed solar farm site at its nearest point. The location of the proposed development in the context of European sites is presented in Figure 2. There are no hydrological connections between the proposed UGC route and the SAC.

The nearest SPA to the proposed development site is the Wicklow Head SPA (NPWS Site Code: 004127) which is located circa 16km north-east of the proposed development. There are no hydrological connections between the proposed development and the SPA. Considering the distance removed, the nature of the proposed works, measures incorporated into the design of the project, and the special conservation interests of the site, it is deemed that adverse impacts on the SPA will not arise and therefore the site is not considered further in this assessment.

There are no designated sites hydrologically connected to the proposed development.

Since the conservation management objectives for the European sites focus on maintaining the favourable conservation status of the qualifying interests of each site, the screening process concentrated on assessing the potential implications of the proposed development against the qualifying interests of the site. The qualifying features and other site details have been obtained through a review of information available from the National Parks and Wildlife Service (NPWS). The Buckronev – Brittas Dunes and Fen SAC is described in further detail in the following section.



Figure 2: European sites within 5km of the proposed development site.

3.4.1 Buckronev – Brittas Dunes and Fen SAC

As outlined above the proposed UGC route occurs circa 2km to the south-west of the Buckronev – Brittas Dunes and Fen SAC at its nearest point. The proposed UGC route occurs approximately 2.5km south-west of the SAC at its nearest point; there are no significant watercourse crossings along the proposed UGC route.

Recognised Threats and Vulnerabilities

Brittas Bay dunes are subject to intensive agricultural and recreational pressures. Stocking at high densities threatens the older dunes and dune heath. The recent development of a golf course on part of Buckronev dunes may threaten the hydrology of the overall system. Buckronev fen is threatened by a general lowering of the water table through drainage and water abstraction. Further reclamation of marginal areas of the fen would be detrimental.

Qualifying Interests (QIs)

The site has been selected by the National Parks and Wildlife Services for the qualifying habitats of conservation interest listed in Table 1 below.

Table 1: Qualifying interests of the Buckronev – Brittas Dunes and Fen SAC (source: www.npws.ie)

EU Annex I Habitat [EU Code]
Drift lines [1210]
Perennial vegetation of stony banks [1220]
Mediterranean salt meadows [1410]
Embryonic shifting dunes [2110]
Fixed dunes (grey dunes) [2130]
Decalcified dune heath* [2150]
Dunes with creeping willow [2170]
Dune slack [2190]
Alkaline Fen [7230]

*Priority habitat in danger of extinction

Conservation Objectives

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites. The maintenance of habitats and species within European sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis

In the case of the Buckronev – Brittas Dunes and Fen SAC whilst a conservation management plan has not yet been prepared detailed site specific conservation objectives (SSCOs) are available (NPWS 2017).

These detailed SSCO present a series of attributes and targets for each of the QIs for which the site has been selected. These attributes and targets define the favourable conservation condition of the feature at the site level. The overall objective for the site is:

“To maintain or restore the favourable conservation condition of the Annex I habitats and the Annex II species for which the SAC has been selected.”

3.5 IDENTIFICATION AND DESCRIPTION OF POTENTIAL IMPACTS

Ecological receptors of the potentially affected European site that are sensitive to potential impacts from the proposed development include habitats for which the sites are designated (see Section 3.4 above). The characteristics, location, and scale of the development together with the ecological requirements of the conservation interests of the European site potentially affected have been taken into consideration in identifying potential impacts.

3.5.1 Elements of the proposed Project with Potential to Give Rise to Significant Effects

The grid connection comprises the development of an UGC route along primarily public roads. Those elements of the development with the potential to give rise to effects on the conservation objectives of the Buckroney-Brittas Dunes and Fen SAC are described below.

Construction Phase

- Construction could result in habitat loss, and disturbance to resident species of fauna;
- Noise, vibration, and light during construction could lead to disturbance of resident fauna;
- Excavation and earthworks associated with the construction phase could give rise to sediment run-off and potentially impact aquatic receptors downstream; and
- Potential run-off of hydrocarbons or other harmful substances could lead to deterioration of downstream water quality.

Operational Phase

- Routine maintenance of the UGC may cause temporary disturbance to wildlife.

3.5.2 Direct, Indirect or Secondary Impacts

The potential for impacts to occur through the implementation of the proposed development can be assessed under the following headings (as outlined by guidelines issued by the European Commission (2002)):

- Loss / reduction of habitat area
- Disturbance to key species
- Habitat or species fragmentation
- Reduction in species density
- Changes in key indicators of conservation value such as decrease in water quality and quantity.

The qualifying interests and their conservation requirements of the Buckroney – Brittias Dunes and Fen SAC are considered together with the characteristics of the proposed development. The outcome of the assessment is summarised in Table 2 below.

3.5.2.1 *Buckroney – Brittas Dunes and Fen SAC*

The Buckroney – Brittas Dunes and Fen SAC is located approximately 2km north-east of the proposed development site. There are no hydrological connections / connectivity between the proposed UGC route and the SAC.

The Annex I habitats within the SAC are confined to coastal habitats approximately 2km north-east of the proposed development site. As there are no direct hydrological connections between the SAC and the proposed development, and the SAC is well removed from the footprint of the proposed development, adverse impacts on the Buckroney – Brittas Dunes and Fen SAC are not foreseen.

Potential run-off of sediment or hydrocarbons and other harmful substances during the construction phase could potentially, in the absence of appropriate controls, give rise to impacts on sensitive downstream receptors. However, considering the measures incorporated into the design of the proposed project adverse impacts on water quality are unlikely. Furthermore, no designated European sites occur downstream of the proposed development.

The proposed UGC routes are largely confined to the local road network and will not require any natural watercourse crossing. It is considered that best construction practice and the various controls to protect downstream water quality are adequate to ensure that impacts on aquatic receptors in the surroundings will not arise.

Table 2 below presents the outcome of screening in relation to each qualifying interest of the SAC.

Table 2: Potential for likely significant effects on the Buckronev – Brittas Dunes and Fen SAC

EU Annex I Habitats	Potential for significant impacts	Potential for significant effects
Drift lines	Drift line habitat occurs more than 2km to the north-east of the proposed route at its nearest point. This coastal habitat is well removed from the footprint of the proposed development and therefore no adverse impacts are foreseen.	No
Perennial vegetation of stony banks	This habitat type occurs over 4km north-east of the proposed route at its nearest point. Considering the location of this habitat type in relation to the proposed UGC route, and the absence of pathways / connectivity between the site and the habitat, adverse impacts are not foreseen.	No
Mediterranean salt meadows	This habitat type is not mapped on Site Specific Conservation Objectives (SSCO's) for the SAC. Salt meadows are well removed from the footprint of the proposed UGC route and there are no pathways for pollutants between the site and the SAC. Considering the nature and scale of the proposed development and its location in relation to this habitat type, adverse impacts are not foreseen.	No
Embryonic shifting dunes	Embryonic shifting dunes occur over 2km to the north-east of the proposed development. As this habitat type is well removed from the footprint of the proposed development, adverse impacts are not foreseen.	No
Marram dunes (white dunes)	Marram dunes occur in excess of 2km from the proposed development site. This habitat type is well removed from the footprint of the proposed development and therefore adverse effects are not foreseen.	No
Fixed dunes (grey dunes)*	Grey dunes occur more than 2km to the north-east of the proposed UGC route at its nearest point. Considering the nature and scale of the proposed development and the location of this habitat in relation to the proposed development, adverse impacts are not foreseen.	No
Decalcified dune heath*	This rare habitat occurs more than 8km north-east of the proposed UGC route at its nearest point. Considering the nature and scale of the proposed development and its location on relation to this habitat type, adverse impacts are not foreseen.	No
Dunes with creeping	This habitat type occurs over 5km from the footprint	No

EU Annex I Habitats	Potential for significant impacts	Potential for significant effects
willow	<p>of the proposed development.</p> <p>As this habitat type is well removed from the UGC route, adverse impacts on the habitat's integrity are not foreseen.</p>	
Dune slack	<p>Dune slack occurs over 3km from the footprint of the proposed development. Considering the absence of connectivity to the SAC, and the distance of this habitat type from the proposed UGC route, adverse impacts are not foreseen.</p>	No
Alkaline fens	<p>This habitat type is not mapped on the SSCOs prepared for the site.</p> <p>Considering the absence of connectivity between the proposed UGC route and the SAC, and its distance from the proposed route, adverse impacts on alkaline fen of the SAC are not foreseen.</p>	No

3.6 IN-COMBINATION / CUMULATIVE IMPACTS

It is a requirement of Appropriate Assessment that the combined effects of the proposed development together with other plans or projects be considered.

- A review of large scale planning applications in proximity to the proposed development lodged in recent years;
- Strategies and Objectives from Wicklow County Development Plan 2022-2028

Templeraíne East Solar Farm, a similar development located 0.2km to the west of the proposed UGC route, has recently been granted planning permission (April 2017; Planning Ref. 161285). The consented solar farm will be developed on approximately 21.5ha of agricultural land. Drainage from Templeraíne East Solar Farm largely discharges to the Templeraíne Stream. The solar farm has been subject to ecological assessment and Appropriate Assessment Screening and there are a range of measures and safeguards incorporated into the project to minimise ecological impacts. Considering scale and characteristics of both projects and the receiving environment no potential in-combination impacts on ecology are foreseen.

Planning permission has been sought for a solar farm, Templemichael Solar Farm (Planning Reference: 211131) which occurs circa 2km to the north of the proposed UGC route. The proposed Templemichael Solar Farm has undergone an Appropriate Assessment Screening and it was concluded that the solar farm that significant adverse effects on the Natura 2000 network would not arise from the construction of the solar farm.

The following strategies and objectives from the Wicklow County Development Plan 2022 -2028 are relevant to the solar farm development. It is concluded that the proposed development will not conflict with any of these strategies or objectives.

Natural Heritage & Biodiversity Strategy

- To conserve and enhance biodiversity in recognition of the many ecosystem services provided to society;
- To avoid negative impacts upon the natural environment and promote appropriate enhancement of the
- natural environment as an integral part of any development;
- To promote an integrated approach to landscape planning and management in order to protect the County's
- unique landscape character;
- To conserve and enhance the County's geological heritage; and
- To support the actions in the County Wicklow Heritage Plan which seek to enhance the understanding,

-
- appreciation and protection of Wicklow’s biodiversity including the County Wicklow Biodiversity Action Plan.

Chapter 17 Natural Heritage & Biodiversity

Biodiversity Objectives

CPO 17.12 - To protect non-designated sites from inappropriate development, ensuring that ecological impact assessment is carried out for any proposed development likely to have a significant impact on locally important natural habitats, species or wildlife corridors. Ensure appropriate avoidance and mitigation measures are incorporated into development proposals as part of any ecological impact assessment.

CPO 17.13 - To facilitate, in co-operation with relevant stakeholders, the ongoing identification and recording of locally important biodiversity areas and species in County Wicklow, not otherwise protected by legislation and ensure that consideration is given to these in the development management process.

CPO 17.14 - Ensure that development proposals support the protection and enhancement of biodiversity and ecological connectivity within the plan area in accordance with Article 10 of the Habitats Directive, including linear landscape features like watercourses (rivers, streams, canals, ponds, drainage channels, etc), woodlands, trees, hedgerows, road and railway margins, semi-natural grasslands, natural springs, wetlands, stonewalls, geological and geo-morphological systems, features which act as stepping stones, such as marshes and woodlands, other landscape features and associated wildlife where these form part of the ecological network and/or may be considered as ecological corridors or stepping stones that taken as a whole help to improve the coherence of the European network in Wicklow.

Chapter 16 – Energy & Information Infrastructure

Solar Energy Objectives

CPO 16.08 - To facilitate and support the development of solar generated electricity.

CPO 16.09 - To positively consider all applications for the installation of building mounted PV cells at all locations, having due regard to architectural amenity and heritage.

CPO 16.10 - To support the development of commercial scale ground mounted solar PV ‘Solar Farms’ subject to compliance with emerging best practice and available national and international guidance.

3.7 CONCLUSION OF SCREENING

In order to determine the potential impacts if any, of the development of a grid connection in the form of an UGC at Ballinlea, Arklow, Co. Wicklow on European sites, Appropriate Assessment screening was undertaken. One European site has been identified as potentially being impacted by the proposed project; Buckronev – Brittas Dunes and Fen SAC. The likely impacts (direct, indirect, and cumulative), which could arise from the development have been examined in the context of a number of factors that could potentially give rise to significant effects on the conservation interest of European sites.

In conclusion, it has been determined that the proposed development is not directly connected with or necessary to the management of European sites. Secondly, it can be objectively concluded that there are not likely to be any significant effects on the Natura 2000 network of sites resulting from the proposed development and accordingly it is considered that there is no need to prepare a Natura Impact Statement / Appropriate Assessment, in this instance.

A screening matrix summarising the outcome of the screening exercise in relation to the relevant European site is presented in Appendix II.

4 REFERENCES

- CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, 2nd edition. (Chartered Institute of Ecology and Environmental Management).
- DAHG (2017). Irelands National Biodiversity Plan: Actions for Biodiversity 2017 – 21.
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- Fossitt, J.A. (2000). *A Guide to Habitats in Ireland*. Heritage Council, Kilkenny.
- NPWS (2017) Conservation Objectives: Buckronev-Brittias Dunes and Fen SAC 000729. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- Office of the Planning Regulator (OPR) (2021). Practice Note PN01. Appropriate Assessment Screening for Development Management. Dublin

Appendix I NPWS Published Site Description

Site Name: Buckronev-Brittis Dunes and Fen SAC

Site Code: 000729

Buckronev-Brittis Dunes and Fen is a complex of coastal habitats located about 10 km south of Wicklow town. It comprises two main sand dune systems, Brittis Bay and Buckronev Dunes, connected on the coast by the rocky headland of Mizen Head. The dunes have cut off the outflow of a small river at Mizen Head and a fen, Buckronev Fen, has developed. A further small sand dune system occurs south of Pennycomequick Bridge.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

- [1210] Annual Vegetation of Drift Lines
- [1220] Perennial Vegetation of Stony Banks
- [1410] Mediterranean Salt Meadows
- [2110] Embryonic Shifting Dunes
- [2120] Marram Dunes (White Dunes)
- [2130] Fixed Dunes (Grey Dunes)*
- [2150] Decalcified Dune Heath*
- [2170] Dunes with Creeping Willow
- [2190] Humid Dune Slacks
- [7230] Alkaline Fens

Along much of the higher parts of the beach at this site, typical annual strandline vegetation occurs. Species such as Sea Rocket (*Cakile maritima*), Prickly Saltwort (*Salsola kali*) and Spear-leaved Orache (*Atriplex prostrata*) are frequent in this zone, with the scarcer Yellow Horned-poppv (*Glaucium flavum*) present in places.

A shingle ridge occurs along the Buckronev dune system. The amount of exposed shingle is low, but it is likely that shingle underlies much of the sandy areas also. The vegetation on the shingle is similar in composition to that which occurs as part of the drift line and embryonic dune habitats. Sea Sandwort (*Honkenya peploides*) is characteristic, and other species include Sand Couch (*Elymus farctus*), Sand Sedge (*Carex arenaria*), Sea Rocket and Yellow Horned-Poppv.

An area of saline vegetation which conforms to 'Mediterranean salt meadows' occurs in the Buckronev dune system south of the inlet stream to the fen, and possibly in small areas

elsewhere within the site. It is typically dominated by rushes (*Juncus* spp.), and of note is the presence of Sharp Rush (*J. acutus*). Sea Club-rush (*Scirpus maritimus*) also occurs. The area is inundated by the tide only occasionally via the narrow inlet leading to Buckronev Fen.

Embryonic dune development occurs at the southern part of Brittas and more widely at Buckronev and Pennycomequick. Typical species are couch grasses (*Elymus* sp.), Sand Sedge and Sea Sandwort. The main dune ridges are dominated by Marram (*Ammophila arenaria*), with herbaceous species such Sea Spurge (*Euphorbia paralias*), Sea-holly (*Eryngium maritimum*) and Common Restharrow (*Ononis repens*) occurring throughout. The main dune ridges are well developed, reaching heights of 10 m at Brittas. The northern end of the Brittas system has fine examples of parabolic dunes.

Stable fixed dunes are well developed at Brittas and Buckronev. Marram is less frequent in these areas and is replaced by Red Fescue (*Festuca rubra*) as the most common grass species. A rich flora occurs, especially in the more open areas. Common species include Pyramidal Orchid (*Anacamptis pyramidalis*), Common Milkwort (*Polygala vulgaris*), Wild Pansy (*Viola tricolor* subsp. *curtisii*), Carlina Thistle (*Carlina vulgaris*), Biting Stonecrop (*Sedum acre*), Wild Thyme (*Thymus praecox*) and Common Bird's-foot-trefoil (*Lotus corniculatus*). The mature areas of fixed dune also contain Burnet Rose (*Rosa pimpinellifolia*), Bracken (*Pteridium aquilinum*), Wood Sage (*Teucrium scordonia*) and Common Sorrel (*Rumex acetosa*). Mosses such as *Tortula ruralis* subsp. *ruraliformis*, *Rhytidiadelphus triquetris*, and *Homalothecium lutescens* are frequent, along with lichens (*Cladonia* spp., *Peltigera canina*).

This is one of the few Irish east coast sites to possess good examples of wet dune slacks and dunes with Creeping Willow (*Salix repens*). These areas of the dunes have a rich and varied flora, including species such as Creeping Willow, Water Mint (*Mentha aquatica*), Silverweed (*Potentilla anserina*), Meadowsweet (*Filipendula ulmaria*) and Meadow Thistle (*Cirsium dissectum*). The slacks are notably rich in rushes and sedges. Of particular interest is the presence of Sharp Rush (*Juncus acutus*), a scarce species in eastern Ireland and one that is indicative of a saline influence.

The site is also notable for the presence, at the back of the dunes, of areas of decalcified dune heath, a rare habitat type, and one which is listed with priority status in the E.U. Habitats Directive. Heath species present include Heather (*Calluna vulgaris*), Bell Heather (*Erica cinerea*) and Gorse (*Ulex europaeus*).

Buckronev Fen lies west of Mizen Head. It is backed to the west by a dense swamp of Common Reed (*Phragmites australis*). The fen is dominated by Tussock Sedge (*Carex paniculata*), with Water Mint, Purple Loosestrife (*Lythrum salicaria*), Marsh Pennywort (*Hydrocotyle vulgaris*), Greater Bird's-foot-trefoil (*Lotus uliginosus*), Water Horsetail (*Equisetum fluviatile*), small sedges

(*Carex* spp.) and other flowering plants. An extensive stand of Blunt-flowered Rush (*Juncus subnodulosus*) is of note. Throughout this area the rare Marsh Fern (*Thelypteris palustris*) is frequent. There are also extensive areas of Rusty Willow (*Salix cinerea* subsp. *oleifolia*) scrub.

This site contains two rare plant species protected under the Flora (Protection) Order, 1999: Wild Asparagus (*Asparagus officinalis* subsp. *prostratus*), in its most northerly Irish station, and Meadow Saxifrage (*Saxifraga granulata*). Other rare species which occur within the site include Green-flowered Helleborine (*Epipactis phyllanthes*), Bird's-foot (*Ornithopus perpusillus*) and Spring Vetch (*Vicia lathyroides*). All of these are Red Data Book species. The rare sedge hybrid *Carex riparia* x *C. vesicaria* (*Carex* x *csomadensis*) is only known from Mizen Head.

The invertebrate fauna of Buckronev fen has been investigated and some notable species have been recorded, including the beetle *Eurynebria complanata* and the following flies: *Machimus cowini*, *Anasimyia lunulata*, *Parhelophilus consimilis* and *Lejogaster splendida*.

Little Tern, a species listed on Annex I of the E.U. Birds Directive, has bred or attempted to breed at Buckronev strand in recent years. In 1992 between 7 and 10 pairs were present and in 1993 up to 8 pairs. Teal are regular in winter (119), as are Curlew (46), Lapwing (515) and Snipe (87). All figures are average peaks for 1994/95 - 1995/96.

The dune systems and beaches are subject to high amenity usage from day-trippers and several areas around the site have been developed as caravan parks, car parks and golf courses. The marginal areas of the fen have been reclaimed, especially at the south end, though these areas still flood in winter and attract waterfowl.

This site is important as an extensive sand dune/fen system with well-developed plant communities. Several coastal habitats listed on the E.U. Habitats Directive, including two priority habitats - fixed dune and decalcified dune heath - are present. The area contains two legally protected plants, as well as a number of other rare or scarce plant species. The site provides habitat for some rare species of invertebrate and for the vulnerable Little Tern. A rich flora and fauna has persisted on this site despite extensive amenity use and adjacent farming. However, future land use practices will need to be managed to ensure the continued survival of this unique mosaic of coastal habitats.

Appendix II

Completed Appropriate Screening matrix summarising the outcome of AA Screening process

Screening Matrix for the Buckroney - Brittas SAC (Site Code: 000729)

Screening Matrix	
Brief description of the project or the plan	The project under consideration in this assessment is the proposed development of a grid connection in the form of an UGC from the Ballinlea Solar Farm to the Arklow Substation circa 1km to the south. The route will traverse improved agricultural grassland before joining the public road. The remainder of the proposed grid route will be confined to the public road infrastructure with a section being installed beneath the M11 using Horizontal Directional Drilling. Further description of the project is presented in Section 3 above.
Brief description of the European site	Buckroney – Brittas Dunes and Fen SAC – see Section 3.4.1 above. Buckroney-Brittas Dunes and Fen is a complex of coastal habitats located about 10 km south of Wicklow town. It comprises two main sand dune systems, Brittas Bay and Buckroney Dunes, connected on the coast by the rocky headland of Mizen Head. The dunes have cut off the outflow of a small river at Mizen Head and a fen, Buckroney Fen, has developed. A further small sand dune system occurs south of Pennycomequick Bridge. This site is important as an extensive sand dune/fen system with well-developed plant communities. Several coastal habitats listed on the E.U. Habitats Directive, including two priority habitats - fixed dune and decalcified dune heath - are present.
Describe any likely direct, indirect or secondary impacts of the project (either alone or in-combination with other plans or projects) on the European site by virtue of: <ul style="list-style-type: none"> • Size and scale; • Land-take; • Distance from the European site or key features of the site; • Resource requirements (water abstraction etc.); • Emissions (disposal to land, water or air); • Excavation requirements 	<p>The area in which the route occurs largely drains to the west to the Templerainey Stream which discharges to the Irish Sea approximately 1.5km to the southeast of the proposed route.</p> <p>No potential adverse impacts on the SAC are identified, given the distance of the proposed development from the designated European site and lack of ecological connectivity, the nature and scale of the proposed development, and the measures incorporated into the design of the proposed development.</p>

Screening Matrix	
<ul style="list-style-type: none"> • Transportation requirements • Duration of construction, operation, decommissioning etc.; • Other 	
<p>Describe any likely changes to the site arising as a result of:</p> <ul style="list-style-type: none"> • Reduction of habitat area; • Disturbance to key species; • Habitat or species fragmentation; • Reduction in species density; • Changes in key indicators of conservation value (water quality etc.); • Climate change 	No potential impacts have been identified.
<p>Describe any likely impacts on the European site as a whole in terms of:</p> <ul style="list-style-type: none"> • Interference with the key relationships that define the structure of the site; • Interference with key relationships that define the function of the site. 	The Buckronev – Brittas Dunes and Fen SAC is removed from the footprint of the proposed development. There are no hydrological links between the proposed UGC route and the SAC.
<p>Provide indicators of significance as a result of the identification of effects set out above in terms of:</p> <ul style="list-style-type: none"> • Loss; • Fragmentation; • Disruption; • Disturbance; • Change to key elements of the site (e.g. water quality etc.). 	No potential impacts have been identified.
<p>Describe from above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</p>	No potential impacts have been identified.

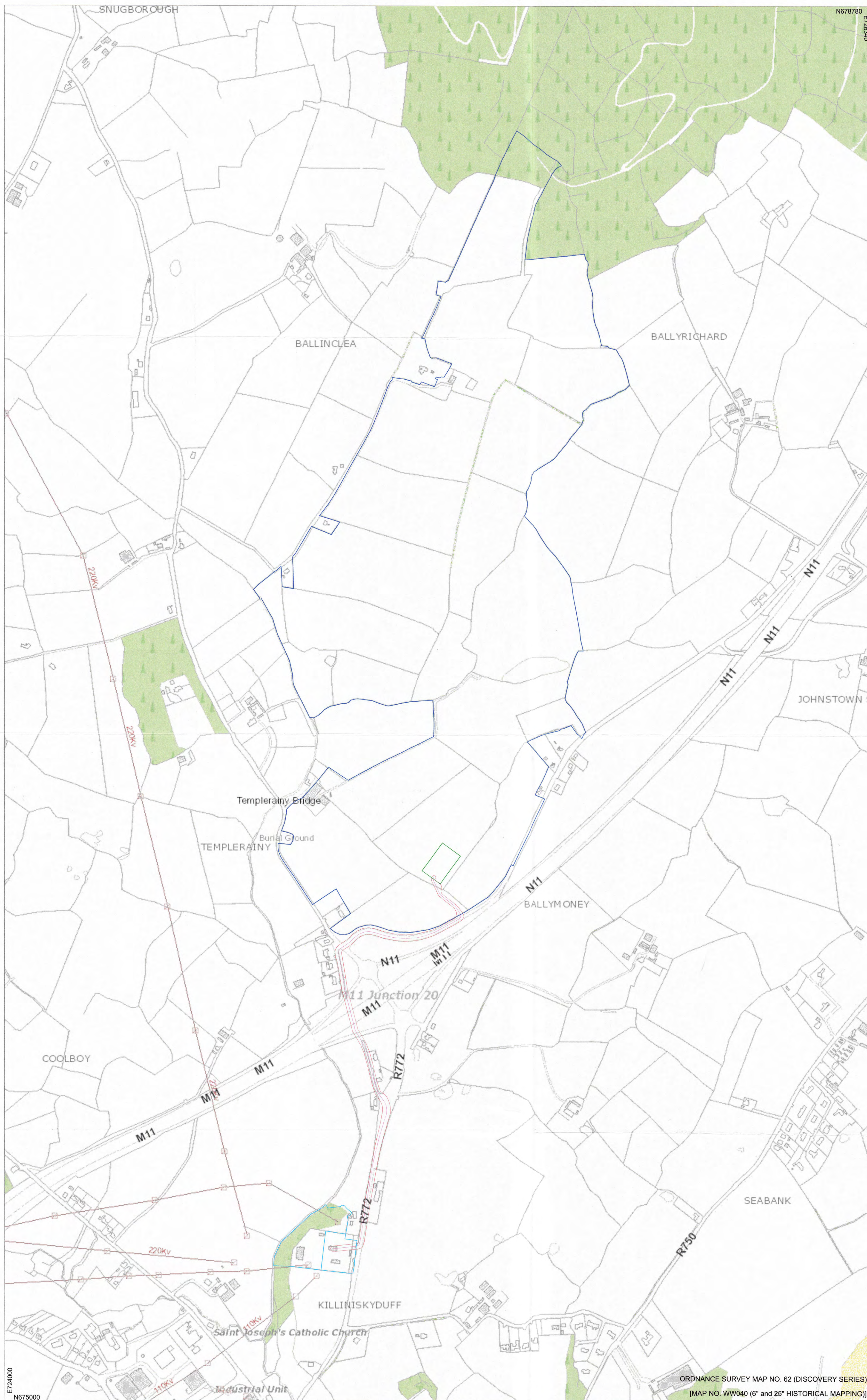


- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESBN Substation Boundary
- Solar Farm Substation

NOTES:
 1. Joint locations are indicative and subject to agreement with ESBN

scale 1:2500
 100 m 200 m 300 m 400 m 500 m

ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
 (MAP NO. WW040 (6" and 25" HISTORICAL MAPPING))



- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESNB Substation Boundary
- Solar Farm Substation

NOTES:
 1. Joint locations are indicative and subject to agreement with ESNB

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ET24000
N675000

ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
 [MAP NO. WW040 (6" and 25" HISTORICAL MAPPING)]

scale 1:4000
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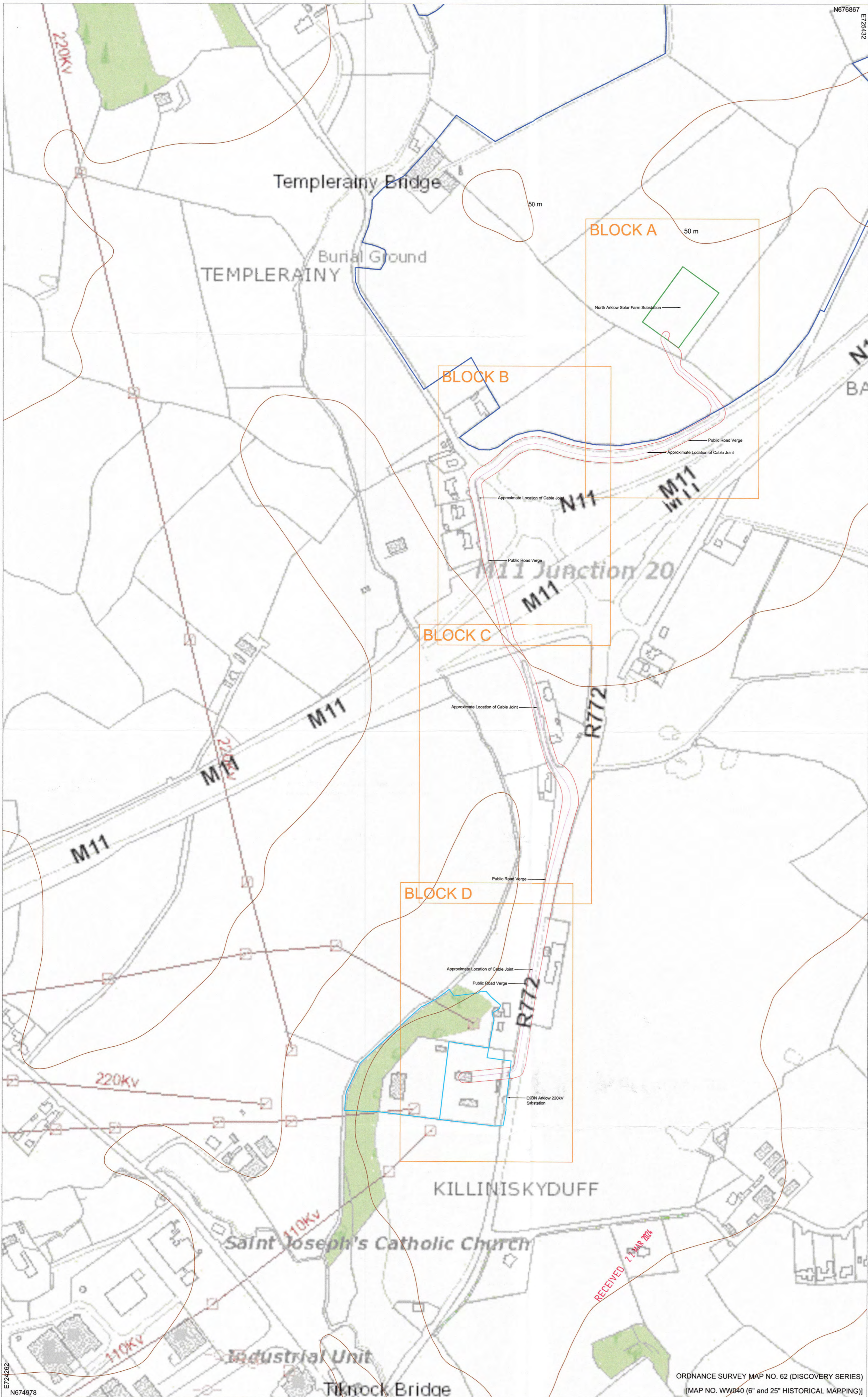
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DRAWING NO. **FIGURE 1.01**
 PAPER SIZE (SCALE) **A1 (1:4000)**
 DATE **20/03/2024**
 REVISION (BY) **A (TB)**

TITLE **SITE LOCATION PLAN (1:4000)**
 PROJECT **GRID CONNECTION ROUTE**



N676867
E725432



- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESNB Substation Boundary
- Solar Farm Substation

- NOTES:
1. Joint locations are indicative and subject to agreement with ESNB
 2. Cables will be installed in line with Eirgrid functional specifications: CDS-GFS-00-001-R1 "110 kV, 220 kV and 400 kV Underground Cable Functional Specification".

E724262
N674978

scale 1:2500
100 m 200 m 300 m 400 m 500 m

ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
[MAP NO. WW640 (6" and 25" HISTORICAL MAPPING)]

DRAWING NO. **FIGURE 1.1**
PAPER SIZE (SCALE)
A1 (1:2500)
DATE
20/03/2024
REVISION (BY)
A (TB)

TITLE
BLOCK PLAN
PROJECT
GRID CONNECTION ROUTE

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N676578
E725050

50 m

North Arklow Solar Farm Substation →



- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESBN Substation Boundary
- Solar Farm Substation

- NOTES:
1. Joint locations are indicative and subject to agreement with ESBN
 2. Cables will be installed in line with Eirgrid functional specifications: CDS-GFS-00-001-R1 "110 kV, 220 kV and 400 kV Underground Cable Functional Specification".

Public Road Verge

Approximate Location of Cable Joint

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ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
[MAP NO. WW040 (6" and 25" HISTORICAL MAPPING)]

scale 1:500
25 m 50 m 75 m 100 m

Highfield energy
Highfield Energy Services Ltd
email: info@highfieldenergy.com

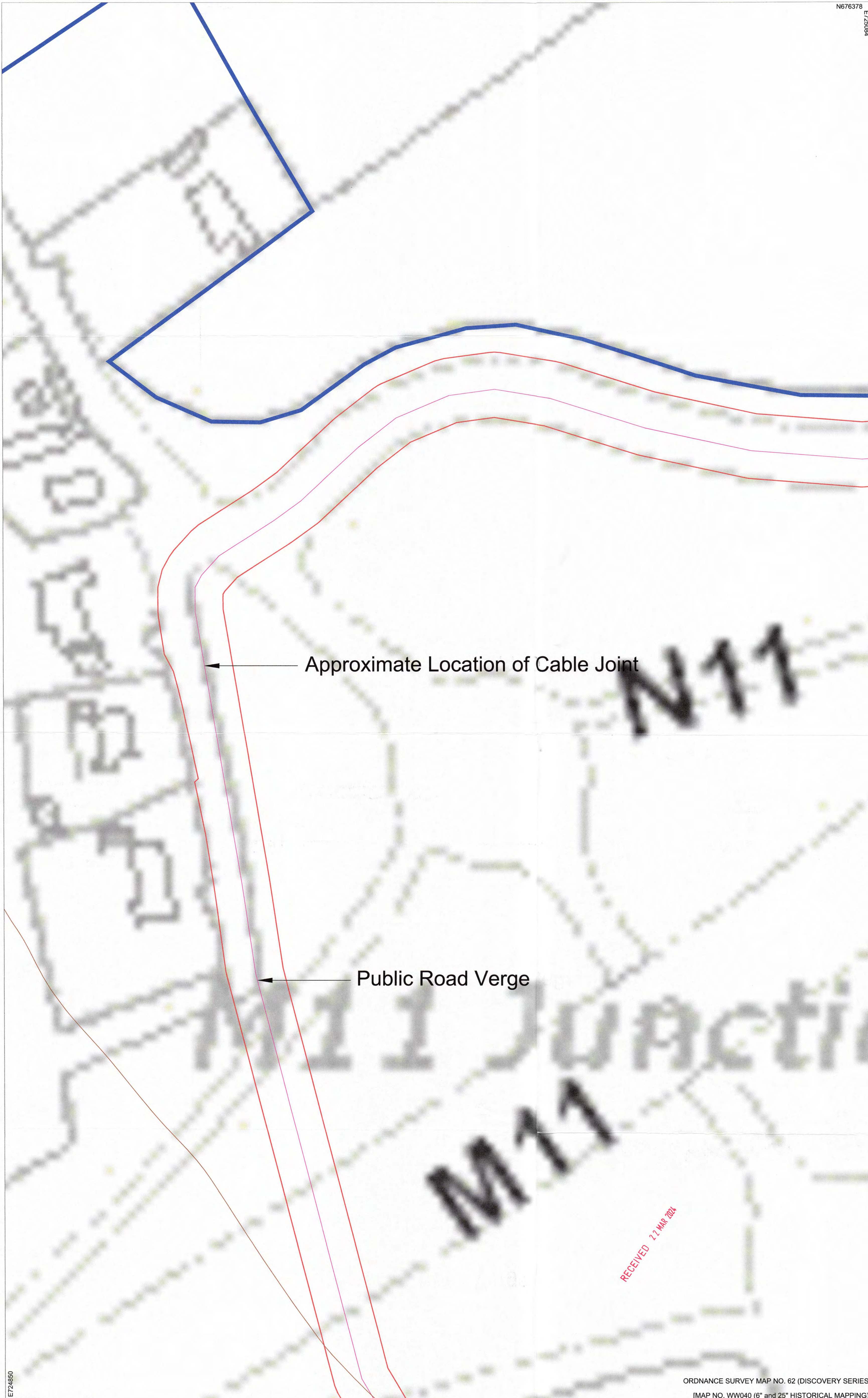
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DRAWING NO.	FIGURE 1.2 (A)
PAPER SIZE (SCALE)	A1 (1:500)
DATE	20/03/2024
REVISION (BY)	A (TB)

TITLE	SITE LAYOUT - BLOCK A
PROJECT	GRID CONNECTION ROUTE

N676378
E726084



- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESBN Substation Boundary
- Solar Farm Substation

- NOTES:
1. Joint locations are indicative and subject to agreement with ESBN
 2. Cables will be installed in line with Eirgrid functional specifications: CDS-GFS-00-001-R1 "110 kV, 220 kV and 400 kV Underground Cable Functional Specification".

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ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
[MAP NO. WW040 (6" and 25" HISTORICAL MAPPING)]

scale 1:500
25 m 50 m 75 m 100 m

E724660
N676000

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DRAWING NO. **FIGURE 1.2 (B)**
PAPER SIZE (SCALE) A1 (1:500)
DATE 20/03/2024
REVISION (BY) A (TB)

TITLE **SITE LAYOUT - BLOCK B**
PROJECT **GRID CONNECTION ROUTE**

N676028
E726650

Approximate Location of Cable Joint



- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESBN Substation Boundary
- Solar Farm Substation

NOTES:

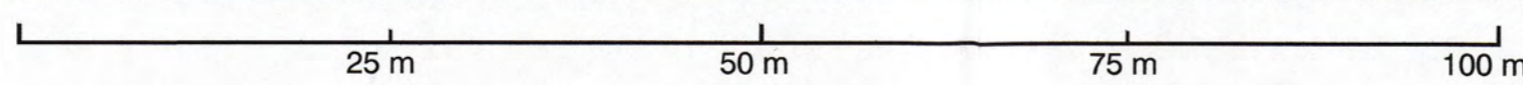
1. Joint locations are indicative and subject to agreement with ESBN
2. Cables will be installed in line with Eirgrid functional specifications: CDS-GFS-00-001-R1 "110 kV, 220 kV and 400 kV Underground Cable Functional Specification".

Public Road Verge

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ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
[MAP NO. WW040 (6" and 25" HISTORICAL MAPPING)]

scale 1:500



DRAWING NO.	FIGURE 1.2 (C)
PAPER SIZE (SCALE)	A1 (1:500)
DATE	20/03/2024
REVISION (BY)	A (TB)

TITLE	SITE LAYOUT - BLOCK C
PROJECT	GRID CONNECTION ROUTE

E724825

N675650

N675678
E725034

Approximate Location of Cable Joint

Public Road Verge

ESBN Arklow 220kV
Substation



- Site Boundary
- Underground Cable Route
- Private Landowner Boundary
- ESNB Substation Boundary
- Solar Farm Substation

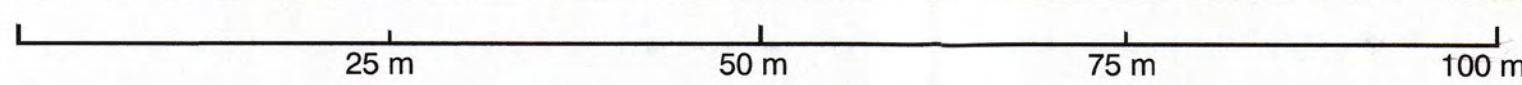
NOTES:

1. Joint locations are indicative and subject to agreement with ESNB
2. Cables will be installed in line with Eirgrid functional specifications: CDS-GFS-00-001-R1 "110 kV, 220 kV and 400 kV Underground Cable Functional Specification".

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ORDNANCE SURVEY MAP NO. 62 (DISCOVERY SERIES)
[MAP NO. WW040 (6" and 25" HISTORICAL MAPPING)]

scale 1:500



DRAWING NO. **FIGURE 1.2 (D)**
 PAPER SIZE (SCALE) **A1 (1:500)**
 DATE **20/03/2024**
 REVISION (BY) **A (TB)**

SITE LAYOUT - BLOCK D

GRID CONNECTION ROUTE

E724800

N675300