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XMR Energy Limited
C/o Breena Coyle
Jennings O'Donovan & Partners Ltd
Finisklin Business Park
Finisklin
Co. Sligo

1st March 2024

Section 5 referral Reference R24-11 – XMR Energy Limited

Is the proposed section of 38kV underground electricity connection in the townland of Booltiagh development, and if so is it exempted development?

A Chara,

I refer to your application received on 7th February 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

The Planning Authority has considered the matter and I attach herewith the Council's findings in this matter.

Where a declaration is issued by the Planning Authority, any person issued with a declaration, may on payment to an Bord Pleanála of the required fee, refer a declaration for review by An Bord Pleanála within 4 weeks of the date of the issuing of the declaration. Details on making such appeal are available on the Board's website at www.pleanala.ie

Mise, le meas

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

CLARE COUNTY COUNCIL

SECTION 5 OF THE PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED

DECLARATION ON DEVELOPMENT AND/OR EXEMPTED DEVELOPMENT

Chief Executive's Order No:	83233
Reference Number:	**R24-11**
Date Referral Received:	**7th February 2024**
Name of Applicant:	**XMR Energy Limited**
Location of works in question:	**Booltiagh, Co. Clare**

Section 5 referral Reference R24-11 – XMR Energy Limited

Is the proposed section of 38kV underground electricity connection in the townland of Booltiagh development, and if so is it exempted development?

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

(a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
(b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
(c) Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
(d) The works as indicated in submitted documents from the referrer.

AND WHEREAS Clare County Council has concluded:

(a) The proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 7th February 2024 constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
(b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
(c) The proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 7th February 2024 is exempted development having regard to Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

ORDER: Whereas by Chief Executive's Order No. HR 152 dated 9th April 2021, Pat Dowling, Chief Executive for Clare County Council, did, pursuant to the powers conferred on him by Section 154 of the Local Government Act 2001, delegate

to Gareth Ruane, Senior Executive Planner, the powers, functions and duties as set out herein,

NOW THEREFORE pursuant to the delegation of the said powers, functions and duties and under Section 5(2)(a) of the Planning & Development Act 2000 (as amended) and having considered the various submissions and reports in connection with the referral described above, I, Gareth Ruane, Senior Executive Planner, hereby declare that the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 07th February 2024 is **considered development** which is **exempted development**.

Signed: _____

GARETH RUANE
SENIOR EXECUTIVE PLANNER

Date: **1st March 2024**

DECLARATION ISSUED UNDER SECTION 5 OF THE PLANNING & DEVELOPMENT ACT 2000 (AS AMENDED)

Reference No.: R24-11

Comhairle Contae an Chláir
Clare County Council

Section 5 referral Reference R24-11

Is the proposed section of 38kV underground electricity connection in the townland of Booltiagh development, and if so is it exempted development?

AND WHEREAS, XMR Energy Limited has requested a declaration from Clare County Council on the said question.

AND WHEREAS Clare County Council, in considering this referral, had regard in particular to –

(a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
(b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended,
(c) Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
(d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council has concluded:

(a) The proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 7th February 2024 constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
(b) The said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended,
(c) The proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 7th February 2024 is exempted development having regard to Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

THEREFORE: The Planning Authority in exercise of the powers conferred on it by Section 5 of the Planning and Development Act, 2000 (as amended), hereby decides that:

The proposed development consisting of the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route

(P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 07th February 2024 **constitutes development** which is **exempted development** as defined within the Planning & Development Acts, 2000 (as amended) and associated regulations.

Anne O'Gorman
Staff Officer
Planning Department
Economic Development Directorate

1st March 2024

CLARE COUNTY COUNCIL SECTION 5 DECLARATION OF EXEMPTION APPLICATION PLANNERS REPORT 1	
FILE REF:	R24-11
APPLICANT(S):	XMR Energy Limited c/o Energia Renewables
REFERRAL:	Whether the proposed section of 38kv underground electricity connection in the townland of Booltiagh is or is not development, and is or is not "exempted development"
LOCATION:	Booltiagh Co. Clare
DUE DATE:	04th March 2024

Site Location & Description

The subject site is located between the LP2048 local primary road and the existing Booltiagh substation. It follows the route of the access road to the substation and the proposed transmission cable would be located within same.

Planning Policy

The entirety of the site is located within a *"Settled Landscape"* as per the Clare County Development Plan 2023-2029. The assessment of this application is also informed by the Clare Wind Energy Strategy which is included in Volume 6 of the County Plan.

CDP11.45 Electricity Networks

It is an objective of Clare County Council:

a) To facilitate improvements in energy infrastructure and encourage the expansion of the infrastructure within the County;
b) To facilitate future alternative renewable energy developments and associated utility infrastructure throughout the County;
c) To support the Integrated Single Electricity Market (I-SEM) as a key priority for the Southern Region and the sustainable development and reinforcement of the energy grid including grid connections, transboundary networks into and through County Clare subject to appropriate environmental assessment and planning processes;
d) To collaborate with EirGrid to facilitate the development of a safe, secure and reliable supply of electricity, enhanced electricity networks and new transmission infrastructure projects that might be brought forward in the lifetime of this Plan under EirGrid's (2017) Grid Development Strategy (subject to appropriate environmental assessment and the planning process);
e) To collaborate with EirGrid over the lifetime of the plan to ensure that the County's minimum target of 1,167MW of renewable energy generation is achieved and can be accommodated on the electricity network in County Clare; and

f) *To have regard to environmental and visual considerations in the assessment of developments of this nature and ensure compliance with the environmental requirements of Objective CDP3.3 of this plan.*

CDP14.2 Settled Landscapes

It is an objective of Clare County Council:

To permit development in areas designated as 'settled landscapes' to sustain and enhance quality of life and residential amenity and promote economic activity subject to:

i. *Conformity with all other relevant provisions of the Plan and the availability and protection of resources;*
ii. *Selection of appropriate sites in the first instance within this landscape, together with consideration of the details of siting and design which are directed towards minimising visual impacts;*
iii. *Regard being had to the need to avoid intrusion on scenic routes and on ridges or shorelines.*

Developments in these areas will be required to demonstrate:

a) *That the site has been selected to avoid visual prominence*
b) *That the site layouts avail of existing topography and vegetation to reduce visibility from scenic routes, walking trails, water bodies, public amenities and roads.*
c) *That design of buildings and structures reduces visual impact through careful choice of forms, finishes and colours, and that any site works seek to reduce visual impact.*

CDP15.2 Biodiversity and Habitat Protection

It is an objective of Clare County Council:

a) *To protect and promote the sustainable management of the natural heritage, flora and fauna of the County both within protected areas and in the general landscape through the promotion of biodiversity, the conservation of natural habitats, the enhancement of new and existing habitats, and through the integration of Green Infrastructure (GI), Blue Infrastructure and ecosystem services including landscape, heritage, biodiversity and management of invasive and alien species into the Development Plan;*
b) *To promote the conservation of biodiversity through the protection of sites of biodiversity importance and wildlife corridors, both within and between the designated sites and the wider Plan area;*
c) *To support the implementation of the All Ireland Pollinator Plan, National Biodiversity Action Plan and National Raised Bog SAC Management Plan;*
d) *To ensure there is no net loss of potential Lesser Horseshoe Bat feeding habitats, treelines and hedgerows within 2.5km of known roosts;*

e) *To implement and monitor the actions as set out in the Clare County Biodiversity Plan; and*
f) *To promote biodiversity net gain in any new plans/projects/policies to promote development that leaves biodiversity in a better state than before.*

CDP15.3 European Sites

It is an objective of Clare County Council:

a) *To afford the highest level of protection to all designated European sites in accordance with the relevant Directives and legislation on such matters;*
b) *To require all planning applications for development that may have (or cannot rule out) likely significant effects on European Sites in view of the site's Conservation Objectives, either in isolation or in combination with other plans or projects, to submit a Natura Impact Statement in accordance with the requirements of the EU Habitats Directive and the Planning and Development Act, 2000 (as amended); and*
c) *To recognise and afford appropriate protection to any new or modified SPAs or SACs that are identified during the lifetime of this Development Plan through the planning application process bearing in mind proposals for development outside of a European site may also have an indirect effect.*

CDP15.4 Requirement for Appropriate Assessment

It is an objective of Clare County Council:

a) *To implement Article 6(3) and where necessary 6(4) of the Habitats Directive and to ensure that Appropriate Assessment is carried out in relation to works, plans and projects likely to impact on European sites (SACs and SPAs), whether directly or indirectly or in combination with any other plan(s) or project(s); and*
b) *To have regard to Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities 2009 or any updated version.*

CDP15.9 Natural Heritage and Infrastructure Schemes

It is an objective of Clare County Council o be responsive to environmental challenges and to ensure the protection of natural heritage when considering proposed service infrastructure and proposed road works (both realignments and new roads) located in, in close proximity to, or nearby protected species or sites of importance in terms of biodiversity.

CDP16.1 Architectural Heritage

It is an objective of Clare County Council:

a) To ensure the protection of the architectural heritage of County Clare through the

identification of Protected Structures, the designation of Architectural Conservation Areas, the safeguarding of historic gardens, and the recognition of structures and elements that contribute positively to the vernacular and industrial heritage of the county; and

b) To ensure that the archaeological and architectural heritage of the county is not damaged either through direct destruction or by unsympathetic developments.
c) To support and promote architectural vernacular skills training and facilities in the County.

CDP16.8 Sites, Features and Objects of Archaeological Interest

It is an objective of Clare County Council:

a) To safeguard sites, features and objects of archaeological interest generally;
b) To secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments included in the Record of Monuments and Places as established under Section 12 of the National Monuments (Amendment) Act, 1994, and of sites, features and objects of archaeological and historical interest generally;
c) In securing such preservation, to have regard to the advice and recommendations of the Department of the Culture, Heritage and the Gaeltacht;
d) To have regard to the government publication Framework and Principles for the Protection of the Archaeological Heritage 1999 in relation to protecting sites, features and objects of archaeological interest; and
e) To advocate for greater financial assistance for the maintenance and improvement of features of archaeological interests in County Clare.

CDP16.11 Archaeology and Infrastructure Schemes

It is an objective of Clare County Council to ensure that decisions relating to development (including infrastructure associated with broadband, telecommunications, renewable energy, major road/ rail infrastructure, flood relief schemes and other services) which may have implications for Recorded Archaeological Monuments/Sites, Zones of Archaeological Potential or undiscovered archaeology, are informed by an appropriate level of archaeological investigation undertaken by qualified persons and the case of flood relief schemes have regard to archaeological Guidelines for Flood Relief Schemes (DHLGH and OPW2022).

Recent Planning History

Crossmore Wind Farm

08-1231 – Granted - Brian Spollen - for development which will consist of a 70m wind monitoring mast (anemometer).

09-123 – Granted - Brian Spollen - for development which will consist of seven wind turbines with hub height of 80m and blade diameter of 90m, construction of access roads, substation and associated works. An Environmental Impact Statement has been submitted with this application.

19-388 – Granted - Energia Renewables ROI Ltd - to Extend the Appropriate Period of Planning Permission P09/123 for proposed development which will consist of Seven wind turbines with a hub height of 80m and blade diameter of 90m, construction of substation, access roads and associated works.

20-824 – Granted - Energia Renewables ROI Limited - for development comprising an increased wind turbine blade length and associated reduction in turbine hub height, creation of a splayed junction, and all associated cabling, services and ancillary works at land at the site of the consented Crossmore Wind Farm. This site is located approximately 4km north of Kilmurry McMahon, 4.5km southeast of Kilmihil and 15km east of Kilrush in the townlands of Crossmore and Derrynageeha, Co Clare. The development will consist of: 1. An increase in the blade length of the previously-consented 7 no. wind turbine Crossmore Wind Farm, consented under planning application Ref: P09/123, from 45 metres to up to 57.5 metres; 2. Associated reduction in turbine hub height of up to 12.5m to maintain the previously approved overall turbine tip height of up to 125m (the previously approved hub height was 80m) 3. Creation of a splayed junction at the wind farm entrance on the Ballyduneen Road, off the N68, necessary to facilitate the proposed turbine / blade configuration; 4. All associated services and ancillary works. The application is seeking a ten-year planning permission and 30-year operational life from the date of commissioning of the renewable energy development.

20-977 – Granted - Energia Renewables ROI Limited - for the erection of a meteorological mast in the townland of Crossmore, Co Clare at the location of the consented Crossmore Wind Farm (planning Ref: 09/123). The site is located approximately 4.2km north of Kilmurry McMahon, 4.8km southeast of Kilmihil and 15km east of Kilrush. The development will consist of: - The erection of a free-standing, lattice meteorological mast of up to 80 metres in height,- Associated works, services and hardstanding area. The mast will be in place for the operational period of consented wind farm.

21-1057 – Granted - XMR Energy Ltd. - for development in the townlands of Crossmore, Derrynageeha, Ballyduneen, Carrowreagh West, Corraige, Knockalough, Crag, Furroor, Boolynamweel, Illaunatoo or Sorrelisland, Boolynaknockaun, Glenmore and Booltiagh. The Development will consist of: 1. A 38kV electrical connection over a total of approximately 11km, from the permitted Crossmore Wind Farm (planning ref: P09/123, as extended under planning ref: 19/388 and altered by P20/824) to the existing 110kV Booltiagh substation. This connection will consist of approximately 10km of overhead line and associated 97 no. wooden polesets (single, double and triple structures with approximate heights between 14-19 metres), and approximately 1km of underground cabling. The cable will travel underground within the wind farm site (in the townlands of Cross More and Derrynageeha), underground on private lands (in the townlands of Boolynamweel, Illaunatoo and Boolynaknockaun) and under the

public road prior to entering the Booltiagh substation (in the townlands of Boolynaknockaun and Booltiagh). 2. Roads and access arrangements/works consisting of: a) Creation of new permanent access gate into private lands off the L6180 local road; b) Construction of new access roads to facilitate provision of the grid connection, to be retained for permanent use; and c) Upgrade of the existing public road network for turbine delivery including; I. Junction improvement works at the N68 and L6180; II. Widening along the L6180. 3. The proposed development also incorporates construction of the following elements at the site of the permitted 7-turbine Crossmore Wind Farm (ref: P09/123, as extended by P19/388, and altered by P20/824) which will have a 25 year operational lifespan from the date of commissioning: a) Provision of a permanent 38kV substation north of permitted Turbine 5 in lieu of previously approved substation located south of Turbine 2; b) Redesign of permitted turbine hardstand areas consisting of additional temporary hardstand areas for blade storage; c) Provision of 2 no. temporary construction compounds; d) Proposed upgrade of existing access road and proposed new areas of access road between permitted Turbines no. 5 and no. 6, in lieu of permitted upgrade of existing access road between permitted Turbines no. 2 and no. 5; e) All associated underground cabling between permitted turbines and relocated substation, and; To view remainder of description please view newspaper notice.

23-290 – Granted – XMR Energy Ltd - for development at lands at Crossmore County Clare in the townlands of Furroor, Illaunatoo or Sorrelisland, Boolynakockaun and Booltiagh. The development will consist of: 1. Amendment to item (1) of Permitted Development Pl. Ref: 21/1057 to install a 38kV electrical connection over a total length of approximately 11km, from the permitted Crossmore Wind Farm (Pl. Ref: 09/123, as extended under Pl. Ref: 19/388 and altered by Pl. Ref: 20/284) to the entrance to the existing Booltiagh 110kV electrical substation. This amended connection will consist of: a. Revision to site boundaries as permitted under Pl. Ref: 21/1057; b. Removal of permitted overhead line from permitted polesets north of Local Road L2084 (previously numbered polesets 1-40 consented under Pl. Ref: 21/1057) for a distance of circa 4km and its replacement with c. 6.5km of underground electrical cabling along unnamed Local Roads. c. Relocation of permitted poleset number 40 (consented under Pl. Ref: 21/1057) 7m (meters) south. Redesign of poleset number 40 from double (as permitted under Pl. Ref: 21/1057) to triple (termination) poleset. The entirety of the grid connection from Crossmore Wind Farm to the existing Booltiagh 110kV electrical substation will therefore comprise c. 5.5km of overhead line (poleset numbers 41-93 consented under Pl. Ref: 21/1057) c. 6.5km of underground cable (proposed under subject application) 2. Site Drainage 3. All associated site development and ancillary works. The application will be accompanied by a Natura Impact Statement (NIS)

Booltiagh Substation & Immediate Environs

09-754 – Incomplete application.

09-828 –Refused (at application & appeal) - Booltiagh Wind Ltd - for development which will consist of the erection of two wind turbines with towers up to 80 metres in height and total tip height up to 115 metres with ancillary equipment for generation of electricity. An

Environmental Impact Statement has been prepared and will be submitted to the Planning Authority with the planning application.

11-340 – Granted - Booltiagh Wind Ltd. – to construct an extension to the permitted electrical substation (Planning Ref. ABP 03 120616) and to extend the lifetime of the permitted electrical substation. The development will consist of; Permission to extend the lifetime of the existing electrical substation at Booltiagh from a planning lifetime of 20 years as granted under ABP Ref. 03 120616 to a permanent structure and the construction of a permanent extension to the existing electrical substation building as granted planning under ABP Ref. PL03120616. The floor area of the extension to the substation building will be 70m2 in size, and will involve extending the existing switch room, the control room, the addition of toilet and storeroom facilities and associated works.

14-761 – Granted - Electricity Supply Board - for development at Booltiagh 110 kv electrical transformer station. The development will consist of alterations and extension to the existing Booltiagh 110 kv station to include; extension of existing 110 kv bus-bar, installation of 2 no. 110/38 kv bunded transformers and associated 110 kv and 38 kv transformer bays and 2 no. Arc Suppression Coils; construction of single storey control building; installation of 1 no. 38kv/MV bunded transformer; 4 no. lightning monopoles 18 metres high; replacement 110kV over-head line end mast 15 metres high and associated line bay to replace similar to be removed from existing station; drainage works to include surface water drainage, on site wastewater treatment plant, an oil interceptor trap for transformer bunds; new site entrance with palisade gate to east of site; 2.6m high palisade compound fence and 1.2m high timber post and rail boundary fencing; excavation as part of ground works of ca, 12,000m3 of subsoil and peat and the removal from site to permitted facilities; associated site works.

15-860 – Refused (at appeal) - Brookfield Renewable Ireland Ltd - for the construction of a wind farm comprising 11 no. turbines with a maximum tip height of up to 131m and associated turbine foundations, hardstanding areas and drainage, tree felling and replanting, 8 no. clear span stream crossings, upgrade of existing and provision of new site tracks and associated drainage, 3 no. borrow pits and 2 no. material storage areas and associated ancillary infrastructure, use of an existing access junction to the proposed development from the public road, all associated drainage, onsite electrical substation including two control buildings and welfare facilities, a wastewater holding tank, and groundwater well, fencing, and associated ancillary infrastructure, underground MV electrical cabling and associated communications cabling between the turbines and proposed onsite substation, underground HV electrical cabling and associated communications cabling between the proposed onsite substation and the permitted Slieve Callan substation (planning reference 13/558), temporary developments/works associated with the construction phase including 1 no. temporary construction site compound and associated ancillary infrastructure. A ten year planning permission is sought for this development. An Environment Impact Statement and a Natura Impact Statement accompany this application.

18-555 – Granted - Brookfield Renewable Ireland Ltd - for development which will consist of the installation of battery arrays located within container units (18 number units, each 30m2 by c. 2.6m tall) a control building (c 160.5m2 by c.6.4m tall) and transformer (c. 5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV, Internal access roads & drainage. The overall development site is c.1.4Ha.

23-238 – Withdrawn - Orsted Onshore Ireland Midco Limited - to Extend the appropriate Period of Planning Permission for P18/555 for development which will consist of the installation of battery arrays located within container units (18 number units, each 30m2 by c. 2.6m tall) a control building (c 160.5m2 by c.6.4m tall) and transformer (c. 5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV, Internal access roads & drainage. The overall development site is c.1.4Ha.

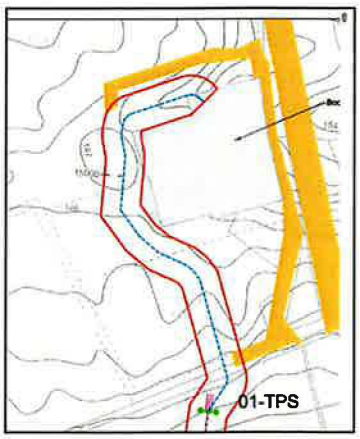
23-60404 – Incomplete application.

23-60414 – Granted - Orsted Onshore Ireland Midco Limited - for development which will consist of a 10 year planning permission for the construction and operation of battery arrays (240 number units, each 1.87m2 by c. 2.32m tall), a control building with gross floor area 140m2 by 6.40m tall, 3 number 12MVA transformers (c. 3.5m tall), 1 number 2.5MVA transformer (c. 2.5m tall) and inverters (24 number units, each 1.85m2 by c. 2.22m tall. The development will include for ancillary infrastructure including security fencing, lighting, CCTV, internal access roads and drainage. The development will have a 35-year operational lifetime. The overall development site is ca. 1.42 hectares (ha).

Background to Referral

This Referral under Section 5(1) of the Planning and Development Act 2000 (as amended) has been made by XMR Energy Limited. The applicant is seeking a Section 5 Declaration as to whether the proposed section of 38kv underground electricity connection in the townland of Booltiagh is or is not development, and is or is not *"exempted development"*.

The transmission line as granted under P21-1057 entered the Booltiagh substation from the west as per the adjacent extract from the Site Location Map. Whilst alterations were permitted the overall transmission route between the permitted Crossmore wind farm and the Booltiagh substation site under P23-290, this section of the route remained unchanged. However, it is noted that in the information received with the 2023 application, and in particular the NIS and EIAR, an assessment of the alternative route option now being proposed in this Section 5 Declaration application was included. An extract from the PECR received with the 2023 planning application is set out below.



"Option 2 - enter underground via the existing access road into the existing substation (Alternative Option). The Alternative Option has been assessed as part of this planning application; however, it does not fall within the Red Line boundary, and it is there acknowledged that should this option be considered optimal, further planning approval would be required."

The Section 5 Referral application is accompanied by the following:

- Cover letter
- Screening for Appropriate Assessment
- Outline Construction Methodology

The Screening for Appropriate Assessment report states that *"As this route has previously been assessed under the previous planning (23-290) and considering the nature of the provisions Schedule 2, Part 1, Class 26 of the Planning and Development Regulations 2011 (as amended) which permits 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, the applicant intends to submit a Section 5 for the development of the alternative route.* The Screening Report goes on to conclude that *"without any scientific doubt that there are not likely to be any significant effects on an European Site as a result of the construction or operation of the project".*

Technical Reports

1. **Environmental Assessment Officer**

Having reviewed the information submitted as part of the request for a declaration on development and exempted development (Section 5 of the Planning and Development Act 2000) by the XMR Energy Limited I note the following;

- *With respect to EIA and the potential for "Project Splitting" to occur there are no concerns that the current question posed in the Section 5 referral "Is the proposed section of 38kV underground electricity connection in the townland of Booltiagh development, and if so is it exempted development?" on the back of previous Planning Applications (P.23.390) for an alteration to the permission as granted under P.21.1057. Given the application under P.23.390 assessed the alternative route option which is the subject of the current Section 5 referral as part of the EIA Screening assessment the current Section 5 referral is not deemed to reflect 'salami-slicing', defined as the practice of splitting a project into a number of separate ones that individually do not exceed the EIA screening threshold or do not have significant effects on a case-by-case examination, and therefore may not require EIA, but might have significant impacts when taken into consideration as a whole (EC 2003); the practice of dividing projects into two or more separate entities so that each element does not require an EIA and the project as a whole is not assessed (EC 2009a); the practice of obtaining permission for a project that*

is below an EIA threshold and at a later date extending above these limits (EC 2009a); or the artificial cut of a project into pieces in order to win approval, obtaining authorization for the less environmentally questionable parts, and making the development of the rest of the project a fait accompli (J&E 2006, 2013).

- *Within the context of this definition of Project splitting the application to hand (Section 5 referral) does not align with this concept. I note the field surveys and assessments undertaken as part of the application under P.23-390 which included for the alternative route as Option 2.*
- *I also note the absence of a prescribed class of development for the purposes of EIA with respect to underground cabling for the transmission of electricity which does not fall within a class of development for the purposes of EIA.*
- *In addition, I note the findings of the Screening for Appropriate Assessment as submitted with the Section 5 referral and am satisfied taking the information as contained in the previous assessments undertaken as part of P.23-390 and P.21-1057 in particular but also in-conjunction with all other applications within the zone of influence from a cumulative and in-combination perspective that there is no likely risk of significant effects on any European site as a result of the construction or operation of this project at Booltiagh, Glenmore North, Co.Clare.*

It is my opinion that this Section 5 can be deemed exempted development due to the points raised above.

The content of the report received is noted and is considered in the assessment of the proposal.

Statutory Provisions

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended*.

> S.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.*

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

> *"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.

Planning & Development Regulations, 2001, as amended

Article 6 refers to Exempted Development and states that subject to Article 9, development of a class specified in column 1 of Part 3 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 3 opposite the mention of that class in the said column 1.

Planning and Development Regulations 2001 (as amended) 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.

Under Article 9 (1) of the same Regulations, *development to which Article 6 relates shall not be exempted development for the purposes of the Act:*

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

(i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act
(ii) consist of or compromise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
(iii) endanger public safety by reason of traffic hazard or obstruction of road users,
(iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,
(iv) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan.
(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
(viiA) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to

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

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

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

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

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

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

(xi) obstruct any public right of way,

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

Referral (a) Assessment

Basis of Referral

The applicant is seeking a Section 5 Declaration as to whether the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation is or is not development, and is or is not "exempted development" constitutes development and is or is not exempted development.

Particulars of Proposal

To install an underground electricity and telecommunication cable between the permitted Crossmore Wind Farm electricity transmission route (P21-1057 & as amended by P23-290) on the LP2048 local primary road, and the existing Booltiagh substation. The UGC would comprise of 3 no. 110mm diameter HDPE power cable ducts under the existing substation access road. This would be a distance of approximately 0.26km. This would be instead of the permitted UGC route to the west of the existing substation.

Planning and Development Act, 2000 (as amended)

In order to assess this proposal, regard has to be had to the *Planning and Development Act 2000, as amended.*

> S.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.*

'Works' are defined in Section 2 of the *Planning and Development Act 2000, as amended* as follows:

> *"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.*

The proposal constitutes both "works" and "development".

Planning and Development Act, 2000 (as amended), Section 4(4)(a)

Notwithstanding subsection (4), the Minister may make regulations prescribing development or any class of development that is—

(a)
authorised, or required to be authorised by or under any statute (other than this Act) whether by means of a licence, consent, approval or otherwise, and

(b)
as respects which an environmental impact assessment or an appropriate assessment is required,

to be exempted development.
Having regard to Schedule 5 Parts 1 & 2 of the Planning and Development Regulations 2001 (as amended), the cover letter received states that *"the amendment to the permitted overhead line connection between the permitted Crossmore Wind Farm and existing Booltiagh 110kv electrical substation to include a section of underground cabling is not a prescribed class of development for the purposes of EIA"*. In addition, the AA Screening Report concludes that *"without any scientific doubt that there are not likely to be any significant effects on a European Site as a result of the construction or operation of the project"*.

Having regard to the response received, the comments of the Environmental Assessment Officer and the particulars of the proposed development/site I consider that Environmental Impact Assessment is not required in this instance.

Having regard to the content of the reports received and the comments of the Environmental Assessment Officer I also consider that Appropriate Assessment is not required in this instance.

Planning and Development Regulations 2001 (as amended) 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.

Having regard to the information received I consider that the applicant constitutes an *"undertaker authorised to provide an electricity service"*. As such, I consider that the proposed development falls within this category of exempted development.

Article 9 of the Planning and Development Regulations 2001, as amended

Article 9 of the Planning and Development Regulations 2001, as amended outlines restrictions on exempted development, and these are assessed below:

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

The alteration of the route of the underground transmission line to a new route outside of the original redline boundary of the site would not be contrary to the conditions of the previous permissions.

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

Not applicable in this instance.

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

Traffic management is set out in section 7.0 of the Outline Construction Methodology report.

(iii)(a) endanger public safety by reason of hazardous glint and/or glare for the operation of airports, aerodromes or aircraft,

Not applicable in this instance.

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

Not applicable.

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

The works proposed are underground works with the surface re-instated. As such, no impact on the character of the landscape is envisaged.

(vi) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or

electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,

An electricity supply line is proposed in this instance. The road is not a public road.

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

Given recent cases which have been brought against Ireland in relation to implementation of the EIA Directive and Project splitting (O'Grianna V ABP) the Planning Authority is required to take general or specific measures to remedy failure in ensuring the adequacy of the EIA for development, even where permission was already granted. Having regard to the information received, the comments of the Environmental Assessment Officer and the particulars of the proposed development/site I consider that Environmental Impact Assessment is not required in this instance.

(viii)

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

I consider that the proposed development would not consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994.

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

An AA Screening was submitted with the Section 5 Referral. Having regard to the content of the AA Screening Report received, and the comments of the Environmental Assessment Officer I consider that Appropriate Assessment is not required in this instance.

c. *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."*

Having regard to the information received, the comments of the Environmental Assessment Officer and the particulars of the proposed development/site I consider that Environmental Impact Assessment is not required in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

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

This is not applicable in this instance.

(xii) obstruct any public right of way,

This is not applicable in this instance.

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

This is not applicable in this instance.

Conclusion & Recommendation

Having regard to the above it is considered that the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation constitutes both 'works' and 'development'. However, regard has also been had to Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended).

The following question has been referred to the Planning Authority:

Whether the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation is or is not development, and is or is not "exempted development" constitutes development and is or is not exempted development.

The Planning Authority in considering this referral had regard to:

(a) Sections 2, 3 and 4 of the Planning and Development Act, 2000, as amended,
(b) Articles 6 and 9 of the Planning and Development Regulations 2001, as amended
(c) Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.
(d) The works as indicated in submitted documents from the referrer.

And whereas Clare County Council (Planning Authority) has concluded:

(a) the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 07th February 2023 constitutes "works" which come within the scope of section 2 (1) of the Planning and Development Act 2000, as amended
(b) the said works constitute "development" which comes within the scope of section 3 (1) of the Planning and Development Act 2000, as amended
(c) the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 07th February 2023 is exempted development having regard to Class 26 of Schedule 2, Part 1 of the Planning and Development Regulations 2001, as amended.

Now therefore Clare County Council (Planning Authority), hereby decides that the proposed section of 38kv underground electricity connection in the townland of Booltiagh between the permitted wind farm connection route (P21-1057 & as amended by P23-290) and the existing

Booltiagh electrical substation as per the drawings and particulars received by the Planning Authority on the 07th February 2023 is development and is exempted development.

Executive Planner
Date: 01st March 2024

Senior Executive Planner
Date: 01/03/24.

Clare County Council
Screening for Appropriate Assessment & Determination

1. Table 1 to be filled in for all development applications.
2. Where proposed development is within a European site(s) site, go directly to table 3.
3. For all other development proposals, fill in table 2, and if required, table 3.
4. A Habitats Directive Screening Statement should be sought for all developments regardless of location which require an EIS

Table 1: Project Details

Planning File Reference	R24-11
Applicant Name	XMR Energy Limited
Development Location	Booltiagh Co. Clare
Application accompanied by an EIS	No
Application accompanied by an NIS	No
Description of the project (To include a site location map):	
Underground grid connection	

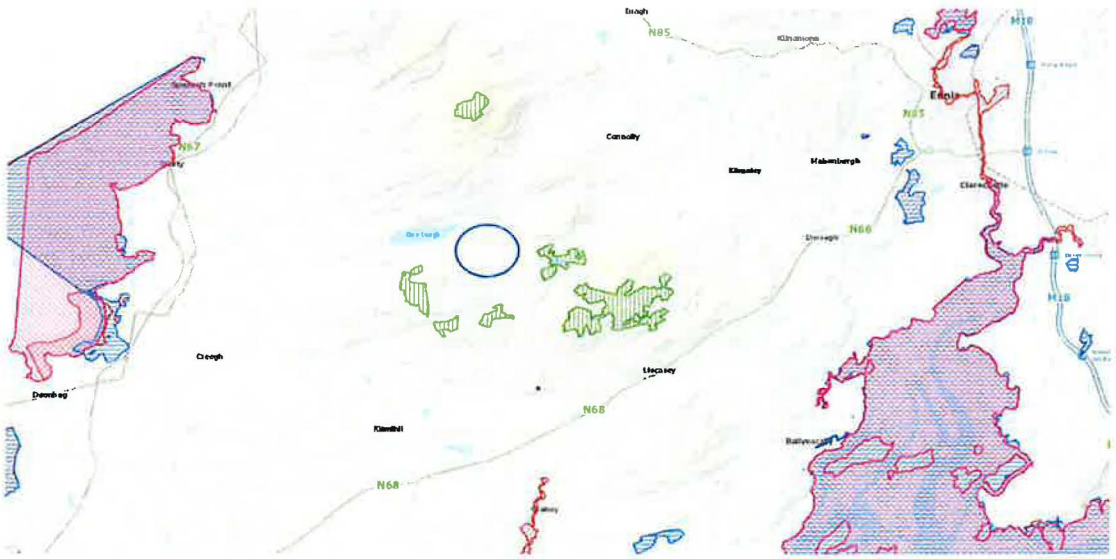


Table 2: Identification of European sites which may be impacted by the proposed development.

This section identifies the European Sites within the likely zone of impact of the plan or project. For plans an initial 15km zone of influence (NPWS-DAHG)[1] is recommended. For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects. Qualifying Interests/Special conservation Interests for each site and the distance relevant to the proposal are listed (Table 2 (a)).

Table 2 (a): European Sites within 15km of Applicant Site

European Sites[2]	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) and conservation objectives (either generic or detailed) (available on www.npws.ie/protectedsites) or through Intranet.	Distance to Applicant Site (km)
Lower River Shannon SAC	Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	7.6km

[1] European Sites that are more than 15km from the proposal may have to be considered. For example in the case of sites with water dependent habitats or species and where a proposal could affect water quality or quantity it may be necessary to consider the full extent of the upstream and/or downstream catchment.

[2] European Site details are available on http://webgis.npws.ie/npwsviewer/ or maybe obtained from internal mapping systems.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.**	*Is the development in the catchment of or immediately upstream of a watercourse that has been designated as a European site?*	Yes
2	**Impacts on terrestrial habitats and species.**	*Is the development within 1km of a European site with terrestrial based habitats or species?*	No
3	**Impacts on designated marine habitats and species.**	*Is the development located within marine or intertidal areas and within 5 km of a European site whose qualifying habitats or species include the following: Mudflats, sandflats, saltmarsh, shingle, reefs, sea cliffs*	No
4	**Impacts on birds in SPAs**	*Is the development within 1km of a Special Protection Area*	No
5	**Indirect effects**	*Is the development, in combination with other existing or proposed developments likely to impact on an adjacent European site? Is any emission from the development (including noise) likely to impact on an adjacent habitat or species?*	No impacts envisaged

Conclusion: If the answer to all of the above is no, significant impacts on European sites are unlikely. No further assessment is required; go directly to the conclusion statement.
If the answer is "unknown" or "yes" proceed to Table 3 and refer to the relevant sections of Table 3.

Table 3: Identification of potential impacts.

1	**Impacts on designated rivers, streams, lakes and fresh water dependant habitats and species.** *Please answer the following if the answer to question 1 in table 2 was "yes" or "unknown".* *Does the development involve any of the following:*	
1.1	Removal of or interference with habitat within a European site. This may include any element of a project liable to interfere with breeding, nesting or roosting sites of birds, bats, water based species	No
1.2	Discharges either directly (via pipe from the development) or indirectly (via sewer) to surfacewater or groundwater	No

	What is the likely volume of the discharge?	
1.3	Abstraction from surfacewater or groundwater in or adjacent to a European site, where hydrology is a critical element in the protection of habitat and species at the site? What is the likely volume of the abstraction?	No
1.4	Is removal of topsoil proposed within 500m of watercourses? What transportation requirements are provided? Does the removal involve reduction in area, population density or fragmentation of area of any habitat or species?	No
1.5	Infilling or raising of ground levels within 500m of watercourses? What transportation requirements are provided? Does the infilling or raising involve interference with area, population density or fragmentation of area of any habitat or species?	No
1.6	Construction of drainage ditches - (scale?) Where the run off is directed to? Is the drainage run off directed to a European site where species are identified and whose conservation status may be impacted by this drainage?	No
1.7	Installation of waste water treatment systems; percolation areas; septic tanks within 500m of watercourses?	No
1.8	Construction within a floodplain or within an area liable to flood (See www.floodmaps.ie, internal flood risk maps, County Development Plan SFRA and www.cframs.ie)	No
1.9	Crossing or culverting of rivers or streams, installation of weirs, temporary watercourse crossings or any interference with a watercourse.	No
1.10	Storage of chemicals or hydrocarbons (including oils and fuels) within 500m of a watercourse	No
1.11	Development within catchment of a European site of a scale or type which involves the production of an EIS	No
1.12	Consideration of effects in combination with existing development?	No impacts envisaged

Appropriate Assessment Screening Determination	
Planning File Reference	R24-11
Proposed Development	**Amendment of grid connection route**
Development Location	**Booltiagh**
European sites within impact zone	Lower River Shannon SAC
Description of the project	
Underground grid connection alteration (route)	
Qualifying Interests (QIs)/Special Conservation Interests (SCIs) of European site	
Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Lampetra fluviatilis (River Lamprey) [1099] Salmo salar (Salmon) [1106] Tursiops truncatus (Common Bottlenose Dolphin) [1349] Lutra lutra (Otter) [1355]	
Describe how the project or plan (alone or in combination) is likely to affect the European site(s).	
No impacts envisaged	
If there are potential negative impacts, explain whether you consider if these are likely to be significant, and if not, why not?	
Nature of works ~~Proposed mitigation~~ Separation Distance	
Documentation reviewed for making this statement	
NPWS website EAO Report Plans and particulars received GIS mapping database	
Conclusion of assessment (a, b, c or d)	
(a) The proposed development is directly connected with or necessary to the nature	

	conservation management of a European Site(s)[3]	
(b)	**There is no potential for significant effects to European Sites[3]**	Yes
(c)	**The potential for significant effects to European Site(s) cannot be ruled out[4]**	
(d)	**Significant effects to European sites are certain or likely or where potential for significant effects to European sites remains following receipt of Further Information requested under S177U of the Planning and Development (Amendment) Act 2010[5]**	
Completed By		John O'Sullivan
Date		01st March 2024

Noted - [signature] 01/03/24.

[3] Appropriate Assessment is not required and therefore Planning permission may be granted at this stage subject to all other planning considerations. However, no changes may be made to the proposed development after this conclusion has been reached as this would invalidate the findings of the screening exercise.

[4] In accordance with S177U of the Planning and Development (Amendment) Act 2010, the applicant should be requested to submit an 'Appropriate Assessment Screening Matrix' completed by a suitably qualified ecologist, by way of Further Information. Following receipt of this information a new Appropriate Screening Report should be completed. The requested 'Appropriate Assessment Screening Matrix' should be in accordance with the template outlined in Annex 2, Figure 1 of the EU (2001) guidance document 'Assessment of plans and projects significantly affecting European Sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. This guidance document is available from http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf Alternatively, where other planning concerns arise the proposal could be refused planning permission.

[5] The proposed development must either by refused planning permission or alternatively an 'Appropriate Assessment' (AA) should be carried out by the Planning Authority. In order to facilitate the preparation of an AA the applicant should be requested to submit a Natura Impact Statement (NIS) in accordance with S177 (T) of the Planning and Development (Amendment) Act 2010. However, in the case of an application to retain unauthorised development of land and where the authority decides that an 'appropriate assessment' should have been carried out prior to the commencement of development, the application is required to be invalidated by the Planning Authority as per S34 (12) of the Planning and Development (Amendment) Act 2010 and accordingly an NIS should not be requested in such instances.

R24-11
15th November 2023

John O Sullivan

From: Sheila Downes
Sent: Friday 1 March 2024 10:42
To: John O Sullivan
Subject: Section 5 - R24-11

John,

Re: Section 5 referral R24-11 in relation to the proposed section of 38kV underground electricity connection of Booltiagh Windfarm

Having reviewed the information submitted as part of the request for a declaration on development and exempted development (Section 5 of the Planning and Development Act 2000) by the XMR Energy Limited I note the following;

- With respect to EIA and the potential for "Project Splitting" to occur there are no concerns that the current question posed in the Section 5 referral "*Is the proposed section of 38kV underground electricity connection in the townland of Booltiagh development, and if so is it exempted development?*" on the back of previous Planning Applications (P.23.390) for an alteration to the permission as granted under P.21.1057. Given the application under P.23.390 assessed the alternative route option which is the subject of the current Section 5 referral as part of the EIA Screening assessment the current Section 5 referral is not deemed to reflect 'salami-slicing', defined as the practice of splitting a project into a number of separate ones that individually do not exceed the EIA screening threshold or do not have significant effects on a case-by-case examination, and therefore may not require EIA, but might have significant impacts when taken into consideration as a whole (EC 2003); the practice of dividing projects into two or more separate entities so that each element does not require an EIA and the project as a whole is not assessed (EC 2009a); the practice of obtaining permission for a project that is below an EIA threshold and at a later date extending above these limits (EC 2009a); or the artificial cut of a project into pieces in order to win approval, obtaining authorization for the less environmentally questionable parts, and making the development of the rest of the project a fait accompli (J&E 2006, 2013).
- Within the context of this definition of Project splitting the application to hand (Section 5 referral) does not align with this concept. I note the field surveys and assessments undertaken as part of the application under P.23-390 which included for the alternative route as Option 2.
- I also note the absence of a prescribed class of development for the purposes of EIA with respect to underground cabling for the transmission of electricity which does not fall within a class of development for the purposes of EIA.
- In addition, I note the findings of the Screening for Appropriate Assessment as submitted with the Section 5 referral and am satisfied taking the information as contained in the previous assessments undertaken as part of P.23-390 and P.21-1057 in particular but also in-conjunction with all other applications within the zone of influence from a cumulative and in-combination perspective that there is no likely risk of significant effects on any European site as a result of the construction or operation of this project at Booltiagh, Glenmore North, Co.Clare.

It is my opinion that this Section 5 can be deemed exempted development due to the points raised above,

Kind Regards
Sheila

Sheila Downes
Environmental Assessment Officer

BScEnv. Dip GIS. MSc. AdvDipPEL. MCIWEM. C.WEM. CSci.
Planning Department

Clare County Council, Áras Contae an Chláir, New Road, Ennis, Co. Clare, V95 DXP2
T: 065 6846499 | **M:** 087 9914048 | **E:** sdownes@clarecoco.ie | **W:** www.clarecoco.ie

COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

COMHAIRLE CONTAE AN CHLÁIR | CLARE COUNTY COUNCIL

XMR Energy Limited
C/o Breena Coyle
Jennings O'Donovan & Partners Ltd
Finisklin Business Park
Finisklin
Co. Sligo

09/02/2024

Section 5 referral Reference R24-11 – XMR Energy Limited

Is the proposed section of 38kV underground electricity connection in the townland of Booltiagh development, and if so is it exempted development?

A Chara,

I refer to your application received on 7th February 2024 under Section 5 of the Planning & Development Act 2000 (as amended) in relation to the above.

Please note that the Planning Authority is considering the matter and a reply will issue to you in due course.

Mise, le meas

Brian Fahy

Brian Fahy
Planning Department
Economic Development Directorate

Clare County Council
Aras Contae an Chlair
New Road
Ennis
Co Clare

==========

09/02/2024 09:50:52

Receipt No. L1CASH/0/360299
***** REPRINT *****

XMR Energy Ltd
c/o Energia Renewables,
c/o Breena Coyle, Jennings O'Donovan
& Partners Ltd, Finisklin Business Park,
Finisklin, Sligo. REF R24-11

SECTION 5 REFERENCES		80.00
GOODS	80.00	
VAT Exempt/Non-vatable		

Total : 80.00 EUR

Tendered :
CREDIT CARDS 80.00

Change : 0.00

R24-11

P07

CLARE COUNTY COUNCIL
COMHAIRLE CONTAE AN CHLÁIR

Planning Department,
Economic Development Directorate,
Clare County Council,
New Road, Ennis,
Co. Clare.
V95DXP2

Telephone No. (065) 6821616
Fax No. (065) 6892071
Email: *planoff@clarecoco.ie*
Website: www.clarecoco.ie

Comhairle Contae an Chláir
Clare County Council

REQUEST FOR A DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT
(Section 5 of the Planning & Development Act 2000 (as amended))

FEE: €80

This following form is a non-statutory form which has been prepared by Clare County Council for the purpose of obtaining the necessary information required for a declaration to be made under Section 5 by the Planning Authority

1. CORRESPONDENCE DETAILS.	
(a) Name and Address of person seeking the declaration	XMR Energy Limited, c/o Energia Renewables, Ashtown Gate, Navan Rd, Co. Dublin.
(b) Telephone No.:	
(c) Email Address:	
(d) Agent's Name and address:	Breena Coyle, Jennings O'Donovan & Partners Ltd., Finisklin Business Park, Finisklin, Sligo.

2. DETAILS REGARDING DECLARATION BEING SOUGHT

(a) PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT
Note: only works listed and described under this section will be assessed.

Sample Question: *Is the construction of a shed at 1 Main St., Ennis development and if so is it exempted development?*

A declaration in accordance with Section 5 of the Planning and Development Act, 2000 as amended, that the proposed section of 38kV underground electricity connection in the townland of Booltiagh constitutes "exempted development.".

(b) Provide a full description of the question/matter/subject which arises wherein a declaration of the question is sought.

Class 26 The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking. Article 9 specifies restrictions on exempted development to which article 6 relates. Planning and Development Regulations 2001 (As Amended) – Article 6: Schedule 2: Part 1: Exempted Development – General: Class 26, provides that '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' is exempted development and therefore does not require planning permission. It is confirmed that none of the circumstances under Article 9(i)(a) of the Planning and Development Regulations 2001, as amended, applies. In particular, evidence is provided with this application confirming that the proposed 38kV underground power cable will have no archaeological impact and is not likely to have a significant effect on any European sites.

Please refer to the cover letter which accompanies this submission.

(c) List of plans, drawings etc. submitted with this request for a declaration:
(Note: Please provide a site location map to a scale of not less than 1:2500 based on Ordnance Survey map for the areas, to identify the lands in question)

Please refer to Drawing No. 6148-PL-S5-001.

3. DETAILS RE: PROPERTY/SITE/BUILDING FOR WHICH DECLARATION IS SOUGHT	
(a) Postal Address of the Property/Site/Building for which the declaration sought:	Booltiagh, Co Clare
(b) Do the works in question affect a Protected Structure or are within the curtilage of a Protected Structure? If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 (as amended) been requested or issued for the property by the Planning Authority?	No
(c) Legal interest in the land or structure in question of the person requesting the declaration (Give Details):	
(d) If the person in (c) above is not the owner and/or occupier, state the name and address of the owner of the property in question: *Note: Observations in relation to a referral may be requested from the owner/occupier where appropriate.*	Orsted, Floor Five, City Quarter, Lapp's Quay, Cork *ESB Networks DAC, Three Gateway, East Wall Road, Dublin 3. D03 R583 Ireland*
(e) Is the owner aware of the current request for a Declaration under Section 5 of the Planning & Development Act 2000 (as amended)?:	Yes
(f) Are you aware of any enforcement proceedings connected to this site? *If so please supply details:*	No
(g) Were there previous planning application/s on this site? *If so please supply details:*	Yes. An amendment to the permitted planning application was submitted under planning application reference 23/290 for a 38kV electrical connection over a total length of approximately 11km, from the permitted Crossmore Wind Farm (Pl. Ref: 09/123, as extended under Pl. Ref: 19/388 and altered by Pl. Ref: 20/824) to the existing Booltiagh 110kV electrical substation.
(h) Date on which 'works' in question were completed/are likely to take place:	Q2 2024

SIGNED: _____ **DATE:** 6th February 2024

GUIDANCE NOTES

This following are non-statutory advice notes prepared by Clare County Council for the purpose of advising people what information is required for a decision to be made under Section 5 by the Planning Authority

(i) The request for a declaration under Section 5 must be accompanied by 2 copies of site location map based on the Ordnance Survey map for the area of a scale not less than 1:1000 in urban areas and 1:2500 in rural areas and should clearly identify the site in question.
(ii) The request for a declaration under Section 5 must be accompanied by the required fee of €80.00.
(iii) If submitting any additional plans/reports etc. as part of the request for a declaration, please submit 2 copies.
(iv) The request for a declaration should be sent to the following address:

Planning Department,
Economic Development Directorate,
Clare County Council,
Aras Contae an Chlair,
New Road,
Ennis,
Co. Clare
V95DXP2

(v) Notwithstanding the completion of the above form, the Planning Authority may require the submission of further information with regard to the request in order to enable the Authority to issue a declaration on the question.
(vi) The Planning Authority may also request other persons to submit information on the question which has arisen and on which the declaration is sought

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FOR OFFICE USE ONLY

Date Received:	.....	Fee Paid:	.....
Date Acknowledged:	.....	Reference No.:	.....
Date Declaration made:	.....	CEO No.:	.....

Decision:.....

JENNINGS O'DONOVAN
& PARTNERS LIMITED
CONSULTING ENGINEERS

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6148/101/2/04/BC

07th February 2024

Clare County Council,
Áras Contae an Chláir,
New Road,
Ennis,
Co. Clare,
V95 DXP2.

Re: Section 5 – Request for Declaration on Development and Exempted Development for a 0.26km section of 38kV Underground Electrical Connection between the consented Crossmore Wind Farm CCC PL. Ref. 09/123, 19/388 and 20/824) and Booltiagh existing Sub-Station located at Booltiagh Substation Co Clare

Dear Sir / Madam,

We Jennings O'Donovan & Partners Limited (JOD) on behalf of our client XMR Energy Ltd., make this submission to seek a declaration in accordance with Section 5 of the Planning and Development Act, 2000 as amended, that the proposed section of 38kV underground electricity connection in the townland of Booltiagh constitutes "exempted development".

Consented Crossmore Grid Connection

The consented undergrounded electrical cabling is contained within the public road corridor, running for 6.5km from permitted poleset 40 to the Booltiagh 110kV electrical substation. Upon reaching the existing Booltiagh 110kV electrical substation, it is proposed that the 38kV electrical cabling will enter underground via the existing access road into the existing substation as opposed to linking to the already permitted underground cabling to the western side of the substation as permitted under Pl. Ref: 21/1057. The Proposed Development was assessed as an 'alternative route' as part of the planning application (23/290).

Planning History

Planning permission was granted by Clare County Council on the 13th of May 2022 under 21/1057 for a 38kV electrical connection over a total distance of approximately 11km, from the permitted Crossmore Wind Farm (planning ref: P09/123, as extended under planning ref: 19/388 and altered by P20/824) to the existing 110kV Booltiagh substation. This connection included approximately 10km of overhead line and associated 97 no. wooden polesets (single, double and triple structures with approximate heights between 14-19 metres), and approximately 1km of underground cabling.

An amendment to the permitted planning application was made under planning application reference 23/290 to install a 38kV electrical connection over a total length of approximately 11km, from the permitted Crossmore Wind Farm (Pl. Ref: 09/123, as extended under Pl. Ref: 19/388 and altered by Pl. Ref: 20/824) to the existing Booltiagh 110kV electrical substation. This amended connection consisted of:

- Revision to site boundaries as permitted under Pl.Ref: 21/1057
- Removal of permitted overhead line from permitted polesets north of Local Road L2804 (previously numbered polesets 1-40 consented under Pl. Ref: 21/1057) for a distance of circa 4km and its replacement with c. 6.5 km of underground electrical cabling along unnamed Local Roads.
- Relocation of permitted poleset number 40 (consented under Pl. Ref: 21/1057) 7m (meters) south. Redesign of polset number 40 from double (as permitted under Pl. Ref: 21/1057 to triple (termination) poleset.

In the intervening period since the grant of planning permission, the 'Alternative Option' set out under Ref. 23/290 has now become the preferred option for the developer.

The Planning and Environmental Report for application reference 23/290 states;

"Upon reaching the existing Booltiagh 110kV electrical substation, the 38kV electrical cabling will either:

a) *link to the already permitted underground cabling to the western side of the substation, permitted under Pl. Ref: 21/1057 (Preferred Option); or*

b) *enter underground via the existing access road into the existing substation (Alternative Option)."*

This Alternative Option was assessed under planning application 23/290. This alternative option includes approximately 0.26km of underground cabling following an existing wind farm track. The habitat along this route is classified as Buildings and Artificial Surfaces (BL3) and Recolonising Bare Ground (ED3).

Given that this route has been assessed under the planning application previously, and taking into consideration that the nature of the development and the provisions of Schedule 2, Part 1, Class 26 of the Planning and Development Regulations 2011 (as amended) which provides for "*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*", the enclosed Section 5 is submitted to Clare County Council for the development of the 'Alternative Route'.

Please find attached the following information in respect of this submission:

A. Completed Application Form

B. Drawing No. PL-S5-001 - Site Location Plan

C. TLI Outline Construction Methodology

D. Appropriate Assessment Screening Report as prepared by Jennings O'Donovan.

Background

In accordance with the Group Processing Principles set out by the Commission for Energy Regulation (CER), ESB Networks as the Distribution System Operator specified the connection method in XMR Energy Ltd ESB Networks Connection Agreement to be via a new dedicated 38kV connection from the Crossmore Wind Farm site to the existing 38kV Booltiagh.

Development Control

Under the Electricity (Supply) Act 1927, ESB (the Board) were conferred powers as a statutory undertaker to, amongst other things, provide or carry out works for the provision of electricity.

Under the Electricity Regulation Act, 1999, which amongst other things established and gave powers to the Commission for Energy Regulation and made amendments to certain provisions of the electricity (supply) act, 1927, "electricity undertaking" is defined as "*any person engaged in generation, transmission, distribution or supply of electricity, including any holder of a licence or authorisation under this Act,..*"

We confirm that XMR Energy Ltd is a statutory undertaker for the purpose of constructing the proposed 38kV electrical connection. This approach has been reinforced in recent decisions by An Bord Pleanála under case reference RL14.310120 (Planning Authority Case Reference: DC21/2):

"8.3.3. I note the broad definition of "statutory undertaker" provided within the Planning and development Act 2000 as follows: "statutory undertaker" means a person, from the time being, authorised by or under any enactment or instrument under an enactment to- (b)Provide, or carry out works for the provision of, gas, electricity or telecommunications services," .

8.3.4. In light of these definitions, I am satisfied that Grian PV Limited (the Applicant for the solar farm development and the Referrer to the Council in the subject case), falls within the category of statutory undertaker on foot of its authorisation under the Planning Act to construct a solar farm that is a project for the provision of electricity."[1]

Screening for Environmental Impact Assessment

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA). Underground cabling for the transmission of electricity does not fall into a class of development for the purposes of EIA. Therefore, the amendment to the permitted overhead line connection between the permitted Crossmore Wind Farm and existing Booltiagh 110kV electrical substation to include a section of underground cabling is not a prescribed class of development for the purposes of EIA.

Grid Connection Works and Exempted Development

Under Part 1 Section 4 of the Planning and Development Act 2000 as amended, such works, could constitute exempted development. Article 6 of the Planning and Development Regulations 2001, as amended (the "Regulations of 2001") provides that subject to Article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development provided that the development complies with the conditions and limitations specified in column 2 opposite the mention of that class in column 1. The grid connection at issue in this case consists of an underground grid

[1] https://www.pleanala.ie/anbordpleanala/media/abp/cases/reports/310/r310120.pdf?r=749026607164253628

connection. In respect of underground cables specified in Class 26 of the Regulations of 2001 which are relevant.

Class 26
The carrying out by any undertaker authorised to provide an electricity service of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.

Article 9 specifies restrictions on exempted development to which article 6 relates. Planning and Development Regulations 2001 (As Amended) – Article 6: Schedule 2: Part 1: Exempted Development – General: Class 26, provides that *'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'* is exempted development and therefore does not require planning permission. It is confirmed that none of the circumstances under Article 9(i)(a) of the Planning and Development Regulations 2001, as amended, applies. In particular, evidence is provided with this application confirming that the proposed 38kV underground power cable will have no archaeological impact and is not likely to have a significant effect on any European sites.

Table 1: Article Art 9(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act

Art 9(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act— (a) if the carrying out of such development would—	
i. contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act	There are 11 no conditions attached to the planning permission 23/290. The exemptions as applied would not contravene any of those conditions attached to that planning permission
ii. consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width	No road widening is required as part of the proposed 38kV grid connection.
ii. endanger public safety by reason of traffic hazard or obstruction of road users,	Temporary traffic management works will be in place for any elements of the proposed grid connection located on local public roads and thus, public safety will not be compromised, or a traffic hazard created or the road obstructed.
iv. except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction,	Not Applicable to the proposal in question.

	erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan	
v.	consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies	Part V is not applicable.
vi.	interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan	The grid connection section is located within a wind farm access track and is underground in a landscape of low sensitivity. From a landscape and visual perspective, the proposed grid connection section will be imperceptible. This was assessed in the Planning and Environmental Report for planning ref 23/290.
vii.	consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan	The proposed grid connection will not traverse any European Sites. **Appropriate Assessment (AA) Screening Report:** A Screening for Appropriate Assessment (AA) has been undertaken. It can be concluded by the competent authority, that the project is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European Sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion. **Archaeological Assessment** – There are no recorded archaeological sites on the footprint of any of the underground cable route. There are no recorded monuments located within 100m of the proposed grid connection. The closest is 900m to the

	west which is an unclassified Megalithic tomb.
viii. consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,	Part viii is not applicable as there are no unauthorised structures or unauthorised uses.
ix. consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan	Part ix is not applicable as no buildings will be demolished or altered.
x. consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility	Part x is not applicable to the proposals in question as no lands will be required to be fenced off.
xi. obstruct any public right of way	The underground cable will be located within public roads and will not obstruct a right of way.
xii. further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area	Part xii is not applicable as there are no works required to a structure.

(b) in an area to which a special amenity area order relates, if such development would be development		
(i)	of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or	The proposed area is not subject to a special amenity area order.
(ii)	consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or	Not applicable
(iii)	of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or	Not applicable
(iv)	of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited	Not applicable
(c)	if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive	This may not be applicable and is dependent on the screening exercise.
(d)	if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	Not applicable
1.	Sub-article (1)(a)(vi) shall not apply where the development consists of the construction by any electricity undertaking of an overhead line or cable not exceeding 100 metres in length for the purpose of conducting electricity from a distribution or transmission line to any premises	Not applicable

2.	For the avoidance of doubt, sub-article (1)(a)(vii) shall not apply to any operation or activity in respect of which a Minister of the Government has granted consent or approval in accordance with the requirements of regulation 31 of the Habitats Regulations 1997, and where regulation 31(5) does not apply	Not applicable

Site Layout

Drawing *6148-100* titled 'Grid Connection Route – Overall Location Plan', is enclosed which represents the proposed route for the 38kV electrical connection. The route of the proposed line has been selected to give ample buffer areas to the following features in the area:

- Natura 2000 Sites
- Existing Monuments

XMR Energy Ltd, are acting as an agent of ESB Networks in the provision of electricity infrastructure on the project, so as to connect their consented wind farm development, as well as increasing the security and reliability of the electricity infrastructure for the region.

We confirm XMR Energy Ltd, is a statutory undertaker for the purposes of constructing the proposed 38kV electrical connection.

The proposed electrical connection is to be constructed by XMR Energy Ltd to the requirements and specifications of ESB Networks such that the connection would be taken over by ESB Networks prior to energisation. Once taken over by ESB Networks, the asset will be owned, operated and maintained by the semi-state body. The construction of such 38kV underground electrical connections is generally exempted development in accordance with Article 6 and Class 26 of Schedule 2 of the Planning and Development Regulations 2001, as amended.

Proposed 38kV Underground Ducted Power Cable Design

The 38kV underground power cable construction type is 38kV XLPe cable to be ducted according to ESB Networks 'Standard Specification for ESB 38kV Networks Ducting/ Cabling" The UGC will consist of 3 no. 110mm diameter HDPE power cable ducts, 2 no. 110mm diameter HDPE communications ducts and 1 no. 50mm MDPE earth continuity duct to be installed in an excavated trench, typically 600mm wide by 1220mm deep, with variations on this design to adapt to bridge crossings, service crossings and watercourse crossings. The power cable ducts will accommodate 3 no. power cables. The communications duct will accommodate a fibre cable to allow communications between the Crossmore Wind Farm substation and Booltiagh 110kV substation. An earth continuity duct is required for electrical safety purposes and in accordance with ESB specifications. The ducts will be installed, and the excavated trench will be reinstated in accordance with landowner requirements & ESBN specifications. Then the electrical cabling/fibre cable will be pulled through the installed ducts. Construction methodologies to be implemented and materials to be used will ensure that the UGC is installed in accordance with the requirements and specifications of ESB. A copy of the Outline Methodology is set out at **Appendix C.**

There will be 1 joint bay required along the 0.26km underground 38kV route. Please refer to JOD Drawing 6148- PL-S5-001- Overall Location Plan in **Appendix B** showing location of the joint bays. The joint bays are standard ESB Networks 38kV design.

Screening for Appropriate Assessment
A Screening for Appropriate Assessment has been prepared by Jennings O'Donovan Consulting Engineers. The AA Screening has concluded that there are no likely significant effects on any Natura 2000 sites from the proposed underground electrical connection. This is due to the scale of the project, implementation of best practice, and the distance and lack of ecological connectivity with any Natura 2000 sites. (See **Appendix D**)

Land Ownership
There are two landowners involved in the 38kV underground route section, which is located in an existing access track in the wind farm.

Conclusion
It may be determined with a high degree of certainty that the proposed 38kV underground electrical line is not likely to have any significant effect on any Natura 2000 site. The Appropriate Assessment Screening confirms that *"it can be shown objectively and with scientific certainty that the project will not have any direct or indirect impacts on [designated sites], alone or in – combination with other projects, the conclusion is that no impacts on the conservations objectives of the designated sites are expected. Accordingly, it is considered that progression to Stage 2 of the Appropriate Assessment process is not necessary."*

No impacts of the archaeological features of the area are predicted.

Accordingly, it is submitted that the proposed 0.26km section of 38kV underground electrical line is exempted development in accordance with the Planning and Development Regulations 2001, as amended – Article 6; Schedule 2: Part 1 Exempted Development - General: Class 26, and that none of the limitations under Article 9 of the Regulations are applicable.

The proposed 38kV line has been carefully sited within an existing track and designed to avoid potential impacts on the environment. As such, it is considered that the proposed development represents the proper and sustainable development of the area.

We would be grateful for a declaration in accordance with section 5 of the Planning and Development Act 2000, as amended, confirming that the proposed 38kV line constitutes exempted development.

Yours sincerely,

Breena Coyle

Breena Coyle
For: Jennings O'Donovan & Partners Limited

c.c.

Encl./

APPENDIX A: COMPLETED APPLICATION FORM

XMR ENERGY LIMITED

BOOLTIAGH,
GLENMORE NORTH,
CO. CLARE

SCREENING FOR APPROPRIATE ASSESSMENT

February 2024

Jennings O'Donovan & Partners Ltd.,
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DOCUMENT APPROVAL

PROJECT	Alternative Option Grid Route, Booltiagh, Glenmore North, Co. Clare	
CLIENT / JOB NO	XMR Energy Limited	6148
DOCUMENT TITLE	Screening for Appropriate Assessment	

	Prepared by	**Reviewed / Approved by**
Document Final	Name Monica Sullivan John Clancy	Name Conor McCarthy
Date February 2024	Signature	Signature

6148/403/JC

XMR ENERGY LIMITED

ALTERNATIVE OPTION GRID ROUTE, BOOLTIAGH, GLENMORE NORTH, CO. CLARE

SCREENING FOR APPROPRIATE ASSESSMENT

CONTENTS

1 INTRODUCTION

1.1 BACKGROUND

Jennings O'Donovan & Partners Limited have been commissioned by XMR Energy to carry out a Stage I Appropriate Assessment Screening under Article 6(3) of Council Directive 92/43/EEC (Habitats Directive) for the Provision of an alternative 38kV electricity cable connection (i.e., grid connection) from the Glenmore Road to the Booltiagh Substation Co. Clare.The works hereafter in this report will be identified as 'the Project'.

The purpose of this report is to assess the various elements of the Project in terms of potential impacts to European Sites within the Zone of Influence (ZoI) of the Project. Potential cumulative impacts of the overall project, individually and in-combination with other plans and projects within the area of the waterbody catchment. This screening report has been prepared to assist the Clare County Council in their determination as to whether a section 5 regarding the alternative grid route is appropriate for this project.

This proposal is not necessary for the conservation management of a European Site.

1.2 AUTHOR'S QUALIFICATION AND EXPERTISE

This Stage I Appropriate Assessment Screening has been prepared by Monica Sullivan, Principal Environmental Scientist and Lead Ecologist at Jennings O'Donovan & Partners Limited. She is a full member of the Chartered Institute of Ecology and the Environmental Management and a chartered Environmentalist. Dr. Sullivan has over 36 years' experience in the natural sciences, specialising in fisheries management, aquatic ecology and freshwater invertebrate taxonomy. She has lectured since the mid 1990's – 2017 in invertebrate zoology, ecology and environmental pollution control to both master's and degree students. She was the examiner for the freshwater biology module for the Institute of Fisheries Management, England. Monica's experience includes invasive species surveys, management plans, ecological studies, Environmental Impact Assessment (EIA) screenings, Appropriate Assessment (AA) screenings, Natura Impact Statements (NIS), otter surveys, badger surveys, freshwater macroinvertebrate and instream flora surveys.

Qualified to doctorate level, Monica previously worked as a partner in an environmental consultancy, undertaking fieldwork and specialising in Environmental Assessments of medium to large scale infrastructural projects and the coordination and management of AA and Environmental Impact Assessment processes. She has a clear understanding of the legislative framework governing the extent of environmental investigations, assessments and reports required to secure the necessary approvals on all types of projects. She has extensive experience in management of specialist sub-consultants and working in a team environment and a history of collaborating with participants on research projects. Dr. Sullivan was author and researcher on an Environmental Government Program on invasive species. She is chief author of a chapter in the book Zebra Mussels in Europe and has published many papers on the topic. She spent several years working as both English and Scientific editor for international scientific journals. In 2017, she was expert advisor for 'horizon scan' invasive species workshop.

1.3 REGULATORY CONTEXT

Under Section 177U (1) of the Planning Acts, a Screening for AA of the Project shall be carried out by the competent authority (in this case, Clare County Council) to assess in view of best scientific knowledge, if the Project, individually or in combination with other plans or projects, is likely to have a significant effect(s) on any European Sites.

Collectively, Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) are referred to as the Natura 2000 Sites. The legal basis on which SACs are selected and designated is the EU Habitats Directive, 92/43/EEC transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended. The designation features of SACs are referred to as Qualifying Interests (QI) and include both species (excluding birds) and habitats. Similarly, Special Protection Areas (SPA's) are legislated in the Birds Directive 2009/147/EC. The designation features of SPAs are referred to as Special Conservation Interests (SCIs) which comprise bird species as well as wetland bird habitats.

In general terms, SACs and SPAs are considered to be of exceptional importance in terms of rare, endangered or vulnerable habitats and species within the European Community.
Article 6, paragraph 3 of the Habitats Directive states that:

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

The statutory agency responsible for the European Sites is the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht.

This report has been prepared in accordance with current guideline documents:

- Assessment of plans and projects significantly effecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (EC, 2001)
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DEHLG 2009, Revised February 2010)
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government (DoEHLG, 2009, revised 2010)
- OPR Practice Note PN01: Appropriate Assessment Screening for Development Management, March 2021, Office of the Planning Regulator
- Communication from the Commission on the Precautionary Principle. Office for Official Publications of the European Communities, Luxembourg, (EC, 2000a)
- European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No.477 of 2011).

- Interpretation Manual of European Union Habitats. Version EUR 28. European Commission (EC, 2013).
- EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (EC, 2007)
- Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018)
- Strict Protection of Animal Species, NPWS, 2021

The following European Court and Irish High Court rulings have been considered:

- C-127/02 Waddenzee v Staatssecretaris
- C-258/11 Sweetman v An Bord Pleanála
- C-512/12 Briels
- C-387/12 & C388/15 Orleans and others v Vlaams Gewest
- C-142/15 Moorbug
- C-323/17 People Over Wind and Peter Sweetman v Coillte
- C-162/17 Grace and Sweetman
- C-883/18 Holohan and others v An Bord Pleanála
- IEHC 84 (2019) - Kelly v An Bord Pleanála

Relevant plans from national to local scales are critical to inform a robust assessment of in-combination impacts; these are listed below:

- National Biodiversity Action Plan, for the period 2017-2021
- River Basin Management Plan for Ireland 2018-2021
- Clare County Development Plan 2023-2029

1.4 THE STAGES IN AN APPROPRIATE ASSESSMENT

There are 4 stages in an Appropriate Assessment as outlined in the European Commission Guidance document (2001). The following is a brief summary of these steps:

Stage 1 – Screening: This stage examines the likely effects of a project either alone or in-combination with other projects upon a European Site and considers whether it can be objectively concluded that these effects will not be significant.

Stage 2 – Appropriate Assessment: In this stage, the impact of the project on the integrity of the European Site is considered, with respect to the conservation objectives of the site and to its structure and function.

Stage 3 – Assessment of Alternative Solutions: Should the Appropriate Assessment determine that adverse impacts are likely upon the European Site, this stage examines alternative ways of implementing the project that, where possible, avoid these adverse impacts.

Stage 4 – Assessment where no alternative solutions exist and where adverse impacts remain: Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the European Site will be necessary.

As part of this Screening for Appropriate Assessment, a desk-based study of the European Site within the ZoI of the Project is required.

1.5 SCREENING METHODOLOGY

The function of the Screening Assessment is to identify whether or not the project will have a likely significant effect on any European Site. In this context "likely" refers to the presence of doubt with regard to the absence of significant effects (ECJ case C-127/02) and "significant" means not trivial or inconsequential but an effect that has the potential to undermine the site's conservation objectives (ECJ case C-127/02). In other words, any effect that compromises the functioning and viability of a site and interferes with achieving the conservation objectives for the site would constitute a significant effect.

The nature of the likely interactions between the Project and the integrity of a European Site will depend upon the sensitivity of the European Site's qualifying features to potential impacts arising from the Project; the current conservation status of the European Site and its qualifying features; and any likely changes to key environmental indicators (e.g. water quality) that underpin the conservation status of European Sites and their qualifying features, in-combination with other plans and projects.

The European Commission (2018) Guidelines outline the stages involved in undertaking a Screening Assessment of a project that has the potential to have likely significant effects on European Sites. The methodology adopted for this Screening Assessment is informed by these guidelines and was undertaken in the following steps:

1. Define the project and determine whether it is directly connected with or necessary for the conservation management of European Sites
2. Identify other plans or projects that, in-combination with the project, have the potential to effect European Sites
3. Assess whether or not the project is likely to have significant effects on European Sites in the view of its conservation objectives.

1.6 DESK STUDY

A desk study was carried out to collate the available information on the ecological environment of the Project area. The National Parks and Wildlife Service (NPWS) database was consulted concerning designated conservation areas and records of rare and protected plant and animal species in the vicinity of the Project. The National Biodiversity Data Centre (NBDC) website was also consulted. Two one-kilometre grid squares namely 'R1670' and 'R1669' incorporate the entire Project; with one protected species recorded, namely the common frog (*Rana temporaira*). Much of the land boundaries within these grid squares and close environs are delineated by conifer plantation habitat which the frog is likely to favour as they present a broad habitat range.

The Clare County Development Plan 2023-2029 and the Clare County Council planning enquiry website were reviewed to identify any proposed plans or projects which may have a direct, indirect or cumulative impact with the Project.

1.7 FLOODING

Office of Public Works (OPW) website and the CFRAM study were accessed (December 2023) to determine flood areas within and near the Proposed Alternative Route. **Figure 1.1** shows the probability of past flood events along with records of groundwater and surface water flooding at the site. There are no recurring flood events, past flood events or past groundwater/ surface water events recorded within the site of the Proposed Alternative Route. The nearest flood event occurred at Lough Naminna, Booltiagh during 2015-16 as a surface water flood event, in any case this past surface water flood event is located approx. 1,006 metres east of the Project.

Figure 1.1: 2 Flood Map for the Proposed Alternative Route with the Project delineated by a 'red x' (Source: FloodInfo.ie, 2023)

The associated ground waterbody (GWB) Milltown Malbay (EPA Code IE_SH_G_167) is 'Karstic' and covers an overall area of approximately 44km². The Water Framework Directive (WFD) latest status for this GWB is 'Not at risk'. The 2016-2021 overall groundwater status is 'Good', indicating no change from the previous monitoring periods 2013-2018, 2010-2015 and 2007-2021 status. Furthermore the subsoil permeability associated with the project area is categorised as 'low'.

2 PROJECT DESCRIPTION

2.1 BACKGROUND

The consented Crossmore Wind Farm (09/123) and associated grid connection route (Pl. Ref 21/1057 & 23/290) was granted planning by Clare County Council which originally was granted to link to the existing 110kV substation by the western side of the substation. However, the 'Alternative Route' option set out under 23/290 is now being sought to be developed..

As this route has previously been assessed under the previous planning (23/290) and considering the nature of the development and the provisions Schedule 2, Part 1, Class 26 of the Planning and Development Regulations 2011 (as amended) which permits "the carrying out by any undertaker authorised to provide and electricity service of development consisting of the laying of underground of mains, pipes, cables or other apparatus for the purpose of the undertaking" the Applicant intends to submit a Section 5 for the development of the 'Alternative Route'.

2.2 PROPOSED GRID CONNECTION

The proposed electrical connection is to be constructed to the specifications and requirements of ESB Networks who upon completion of such a Project would take ownership by ESB Networks prior to electrical conductivity.

2.3 CONSTRUCTION SEQUENCING

Section 4 of the Outline Construction Methodology prepared by TLI outlines how the proposed works will be carried out in accordance with ESB specification as set out in Appendix C of The Section 5 Declaration.

2.4 CONSTRUCTION METHOD

The 'Alternative Route' underground grid connection (UGC) will be constructed as per the specifications and requirements of ESB Networks. The UGC will consist of 3 no. 110mm diameter HDPE power cable ducts, 2 no. 110mm diameter HDPE communications ducts and 1 no. 50mm MDPE earth continuity duct to be installed in an excavated trench, typically 600mm wide by 1220mm deep, with variations on this design to adapt to bridge crossings, service crossings and watercourse crossings. The power cable ducts will accommodate 3 no. power cables. The communications duct will accommodate a fibre cable to allow communications between the Crossmore Wind Farm substation and Booltiagh 110kV substation. An earth continuity duct is required for electrical safety purposes and in accordance with ESB specifications. The ducts will be installed, and the excavated trench will be reinstated in accordance with landowner requirements & ESBN specifications. Then the electrical cabling/fibre cable will be pulled through the installed ducts. Construction methodologies to be implemented and materials to be used will ensure that the UGC is installed in accordance with the requirements and specifications of ESB.

2.5 SITE LOCATION

The Proposed Alternative Route is located at Booltiagh, Glenmore North, Co. Clare. The proposed project currently provides access to Booltiagh Wind Farm and the associated 110kV substation adjacent to the Wind Farm. (Figure 2.1 below). The project is bordered by interspersed forestry to the immediate north south and west. To the east of the project, the surrounding area is comprised of wetlands and herbaceous scrub. No dwellings are located within the immediate vicinity of the project. The wider surrounding landscape is comprised of Booltiagh Wind Farm, interspersed forestry plantations, residential dwellings and farmland.

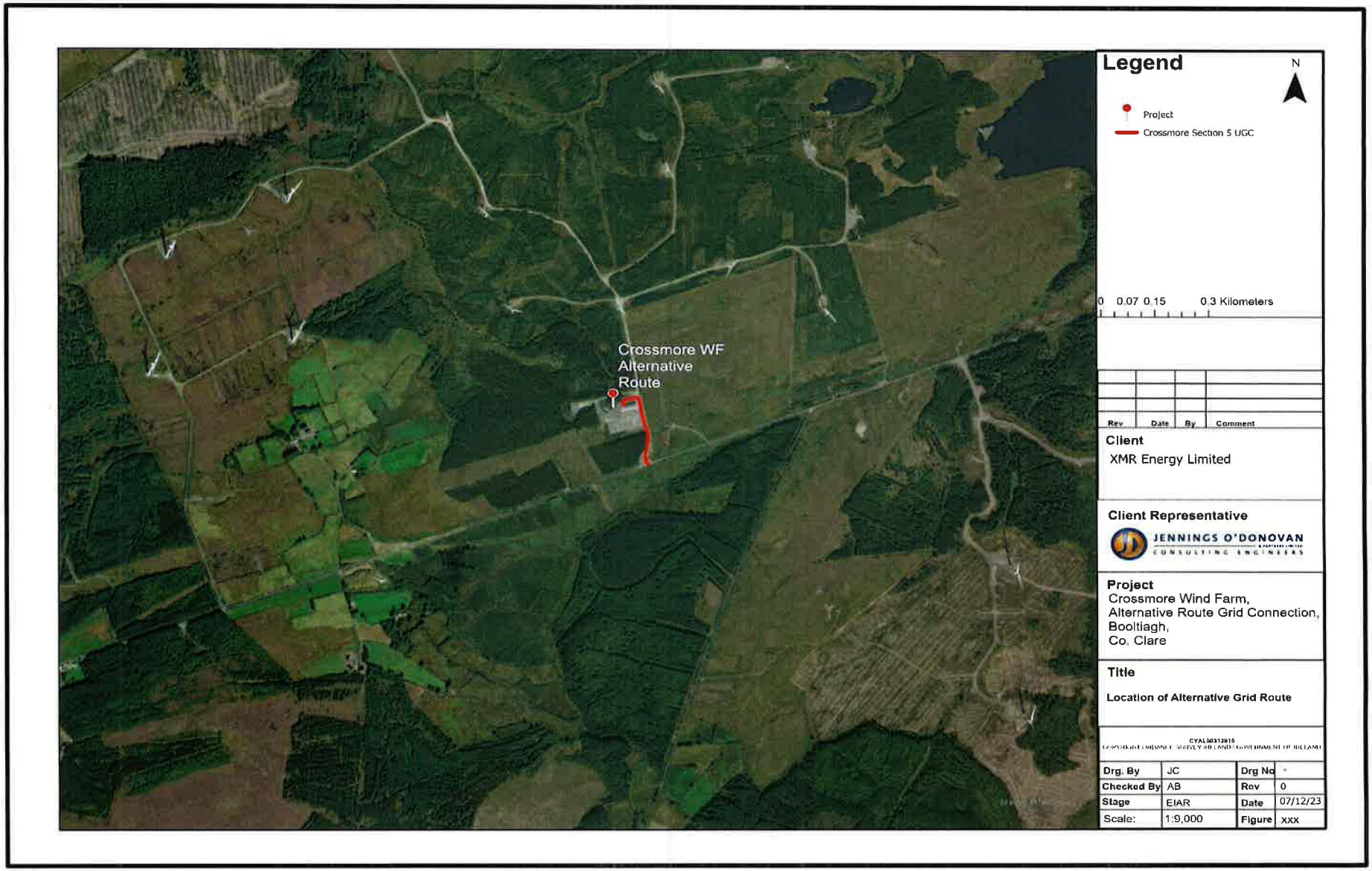


Figure 2.1: General location of the Project (Satellite)

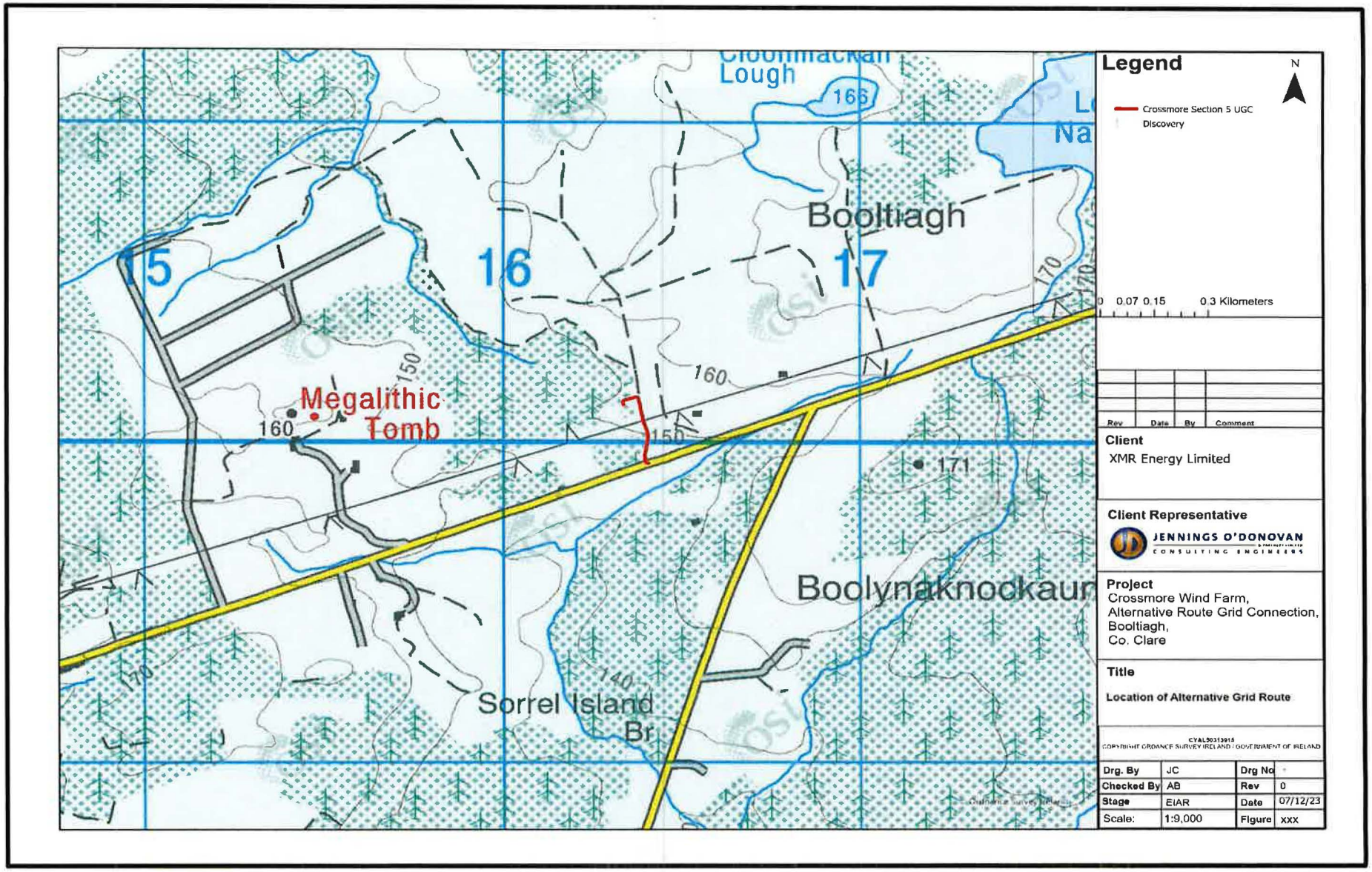


Figure 2.2: General location of the Project (Orthographic)

2.6 PROPOSED WORKS

The Proposed works will consist of the following:

- the construction of an Alternative underground grid connection to include:
  - approx. 266m of underground grid cabling
  - Amendment of grid connection to the permitted underground cabling to the western side of the substation as permitted under Pl. Ref: 21/1057 and subsequently amended by Pl Ref: 23/290.

3 RECEIVING ENVIRONMENT

3.1 GEOLOGY AND SOILS

The quaternary sediments at the site of the Project are classified as 'Blanket Peats'. The Project is located within the Central Clare Group. This bedrock formation is described by the Geological Survey of Ireland as 'Sandstone, siltstone and mudstone. Corine 2018 denotes this area as '*Forest and semi natural areas'*. The sequence of strata encountered generally consisted of topsoil on peat.

3.2 HYDROLOGY AND HYDROGEOLOGY

The site overlies bedrock which is classified as a '*Locally Important Aquifer – Bedrock which is moderately productive only in Local Zones.' (GSI, 2023)* The groundwater vulnerability at the Project is classified between two areas. The southern extent of the project groundwater vulnerability is classified as 'Moderate' while the northern extent of the project is classified as 'High'.

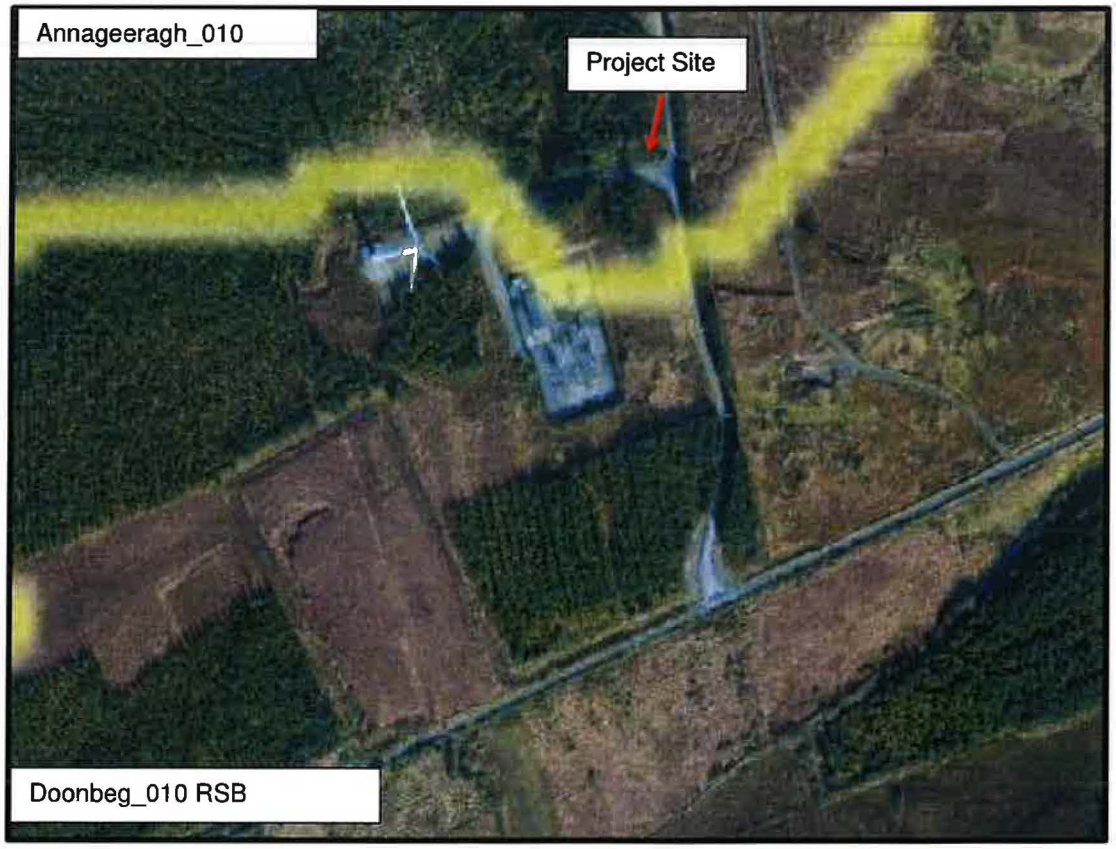


Figure 3.1: WFD River Sub Basin (RSB) and orthographic view of surrounding landscape

The Project is split between the Doonbeg_010 RSB and the Annageeragh_010 RSB. Within the (Annageeragh_010) WFD River Sub Basin (RSB) covering an area of approximately 5.2km^2 presents 'Moderate' ecological status for the 2013-2018 period, also it has improved its ecological status from 'Moderate' since the 2013-2018 period presenting a 'Good' status currently (Figure 3.1). The (Doonbeg_010) covering an area of 12.9km presents 'Good' ecological status for the 2013-2018 period. Furthermore, it has retained 'Good' ecological status since the 2007-2009 period.

The Annageeragh stream (Segment Code: 28_442) is the stream located to the northwest of the Project, as seen in **Figure 3.2** below. It is not hydrologically connected to the Project and lies approx. 212m northwest of the project, due to the slope present within the Project, hydrological connectivity due to construction works are deemed not likely to occur.

The order 1 Boolynaknockaun stream (Segment Code: 28_170) lies approximately 100m south of the Project (Figure 3.2). The Boolynaknockaun stream flows in a south-westerly direction for approximately 1.5km and joins the order 1 Booltiagh stream (Segment Code:28_725), flows south for approx. 1km and joins the order 3 Doonbeg River (Segment Code: 28_445). The Doonbeg river flows in a general south westerly direction for approx. 38km and enters the mouth of Doonbeg Bay as well as Carrowmore Dunes SAC and Mid-Clare Coast SPA, subsequently entering the Atlantic Ocean.

The EPA Maps (Water) website was also accessed (December 2023) to examine the Project area and its environs for nitrate and phosphorus loading and Pollutant Impact Potential (PIP). PIP maps for Nitrogen (N) and Phosphorus (P) have been generated by the EPA to show the highest risk areas in the landscape for losses of N and P to waters. The PIP model estimates the annual nutrient losses from agricultural land at specific locations, using spatial data from farm management, soils and hydrogeology. This model estimates loads at an annual temporal resolution.

The Project site is located in a landscape largely given to improved agricultural grassland, interspersed forestry plantation and peatland and currently is unranked (with 7 being the lowest ranking). The wider landscape surrounding the Proposed Alternative Route is ranked between 3 and 6 to the west of the project while being ranked between 3 to 5 at the south of the project. This ranking likely reflects some fertiliser use on local lands in the past.

PIP Nitrogen at the Project is unranked. Lands to the west as above and south as above are ranked 7 (with 7 being the lowest ranking).

Overall, the Critical Source Areas Maps for the Proposed Alternative Route and adjacent lands do not indicate a Site where either phosphorus or nitrates are a significant issue.

As noted earlier in Section 3.2, the Proposed Alternative Route is within the WFD River Sub Basins (Annageeragh_010) WFD River Sub Basin and the (Doonbeg_010) WFD River Sub Basin. Currently, there are no significant nitrogen or phosphorus pressures from the Project on this River Sub Basin.

It is important to note that the Boolynaknockaun stream is with regard to the precautionary principle is hydrologically connected to the project, as a potential pathway is visible within **Plate 1 and Plate 2** below.

Plate 1: Potential SPR to the order 1 Boolynaknockaun stream

As can be seen in **Plate 1** above and **Plate 2** below, a potential SPR is visible which connects the Project to Designated European Sites downstream. The bottom right corner of **Plate 2**, although difficult to notice shows a pipe which extends out from the road boundary indicating a drain or culvert which runs from the entrance of the Project potentially releasing nutrients and sediments through the transportation of the unnamed relevant watercourse. Further indication is the excessive growth of plant species within this drainage area as well as the abundance of willows (*Salix*) towards the confluence of the drain into the order 1 Ballynaknockaun stream. Furthermore, as can be observed from **Plate 3** below, an elevation of approx. 140m – 150m is present within the proximity of the project. This slope may influence the travel of sediment in a southerly direction downhill towards the drain leading to the transportation of nutrients and or sediments to the order 1 Ballynaknockaun stream during construction.

Plate 2: Potential SPR to the order 1 Boolynaknockaun stream

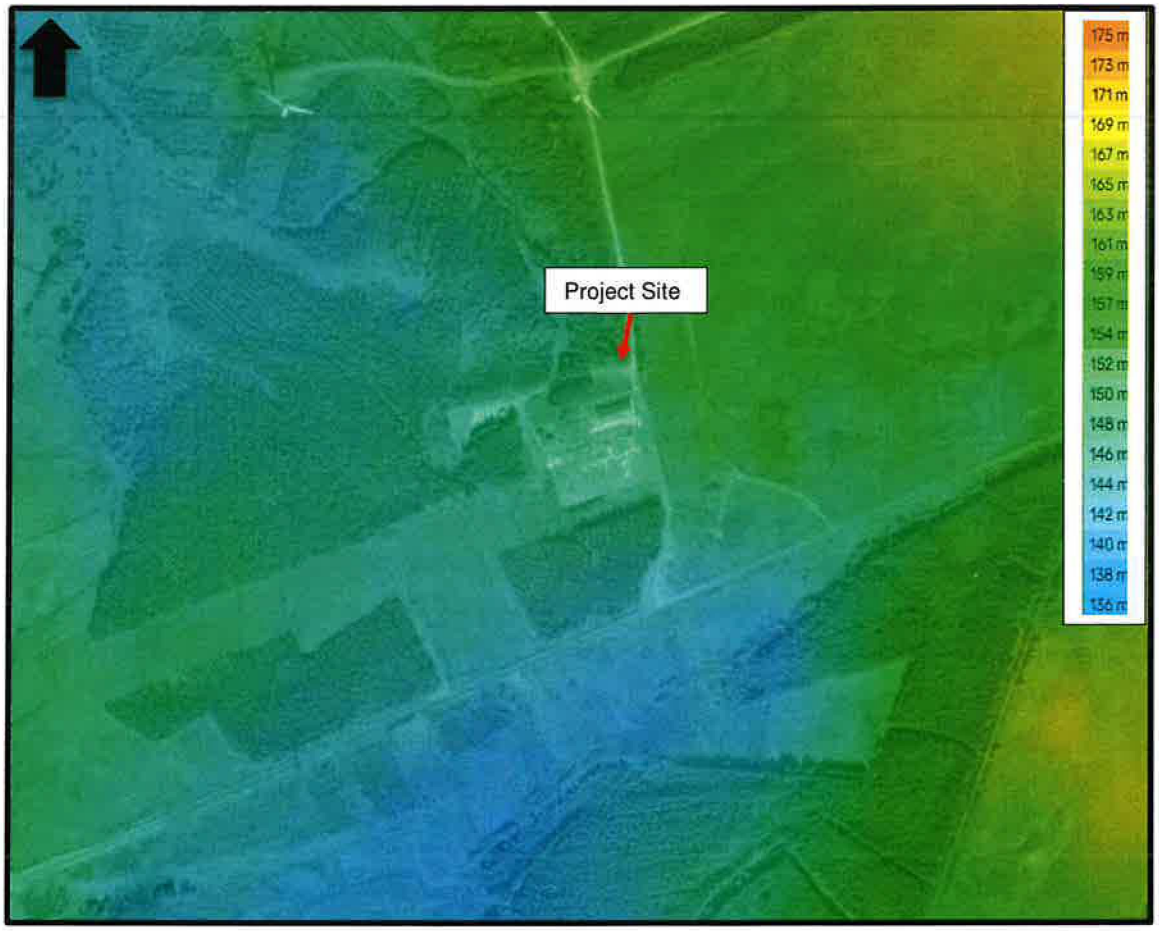


Plate 3: Topographic map indicating the terrain elevation surrounding the Project.

Figure 3.2: Watercourses and waterbodies in the vicinity of the Project

Currently, the groundwater in the area has no significant underlying pressures, including waste abstraction, agriculture, anthropogenic, aquaculture, atmospheric, extractive industry, hydro morphology, invasive species, urban runoff or otherwise (EPA Water Maps, accessed December 05th, 2023).

4 SCREENING FOR APPROPRIATE ASSESSMENT

This AA Screening examined the likely significant effects of the Project, either alone or in-combination with other projects or plans on European Sites, that were situated within a ZoI, or a distance that has a potential source-pathway-receptor (SPR), both direct and indirect with the Project.

The proposed 'Alternative Route' Underground Grid Connection is not located within or adjacent to any Designated European Sites. The proposed 'Alternative Route' is hydrologically linked to downstream European Sites in the wider surrounding area, namely the Carrowmore Dunes SAC, Carrowmore Point to Spanish Point SAC and Mid Clare Coast SPA.

Due to the closest hydrologically linked European Sites being approx. 40.0km downstream as well as being approx. 14.5km terrestrial distance from the Project, it can be stated that there will be no additional potential for other pathways for emissions such as air, noise etc that could be created during the installation of the underground electrical cabling. As the nearest European Sites are located between approx. 7.9 to 14.5km of a terrestrial distance from the Project they are located well outside the zone of sensitivity for air emissions and will not be affected negatively by emissions to air which may occur during the installation of the underground electric cable. It is also poignant to note that potential emissions to air are intended to be nominal during all works involved with the installation of the electrical cabling.

It is also worth mentioning that noise and vibration are known to have the possibility to negatively effect biodiversity especially regarding wetland bird species. As the closest European Sites especially those containing Wintering bird species are approx. 14.5km terrestrial distance from the Project and present disturbance distances of between 200m to 750m, the likelihood of adverse effects taking place due to noise and vibration are unlikely to occur.

Furthermore, Projects taking place outside of European Sites can also result in effects to mobile qualifying species of Designated European Sites as certain species may rely on particular habitats for foraging which may be located close to the Project. However, considering that the proposed Alternative Route is located along existing regional and local roads, does not provide favourable habitat for Annex 2 species or birds of Special Conservation Interests.

Considering the Project is located outside of the zone of influence of surrounding European Sites, coupled with the downstream distance of approx. 40.0km, assimilative capacity of the order 3/4 Doonbeg River and the dilution capacity of Doonbeg Lough, this project will not have the potential to result in likely significant effects, alone or in combination with additional plans or projects, to Designated European Sites.

A total of five European Sites (3 SACs and 2 SPAs) occur within a wider 15km and beyond radius of the Project and are listed in Table 4.1. below:

Table 4.1: European Sites within and beyond a 15km radius

No.	European Sites within 15km radius	Distance between the Project and European Sites (Terrestrial)	Distance between the Project and European Sites (Downstream)
	SAC		
1	Lower River Shannon SAC (002165)	7.9km south	Not hydrologically connected
2	Carrowmore Point to Spanish Point SAC (001021)	14.5km west	Approx. 42.5 km
	SPA		
1	Mid Clare Coast SPA (004182)	14.5km west	Approx. 40.0km
2	River Shannon and River Fergus Estuaries SPA (004077)	14.6km south	Not hydrologically connected
No.	**European Sites outside 15km radius**	**Distance between the Project and European Sites (Terrestrial)**	**Distance between the Project and European Sites (Downstream)**
	SAC		
1	Carrowmore Dunes Sac (002250)	16.1km west	Approx. 40.0km

4.1 EUROPEAN SITES WITHIN THE ZONE OF INFLUENCE (ZOI) OF THE PROJECT

The European Sites identified as being within the Project Zone of Influence (ZoI) using the Source Pathway Receptor (SPR) principle, will be assessed to examine the likelihood of significant effects of the Project either alone or in-combination with other plans or projects, on any European Sites.

The Environmental Protection Agency (EPA) maps were used to identify European Sites that could potentially be located within the ZoI and possibly be connected to the Project site via pathways. In this instance, given the size and scale of the Project, the short-term temporary nature of the works, works will be contained within the Project site, a terrestrial /airborne distance of 500m from the Project has been identified as the ZoI for any European Site. Other European Sites with a hydrological link either upstream or downstream are also considered to have a potential wider ZoI and are assessed separately. in Section 4.2. European Sites closest to the Project are outlined in **Figures 4.1** and **4.2** and include

Lower River Shannon SAC, Carrowmore Point to Spanish Point SAC, Mid Clare Coast SPA, River Shannon and River Fergus Estuaries SPA and Carrowmore Dunes SAC.

4.2 IDENTIFICATION OF SOURCE PATHWAY RECEPTOR (SPR) MODEL PATHWAYS

The nearest European Site, namely **Lower River Shannon SAC** is located approx. 7.9km south of the proposed Project. This European Site is designated for twenty one qualifying interests (QI); Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130], Mudflats and sandflats not covered by seawater at low tide [1140], Coastal lagoons [1150], Large shallow inlets and bays [1160], Reefs [1170], Perennial vegetation of stony banks [1220], Vegetated sea cliffs of the Atlantic and Baltic coasts [1230], *Salicornia* and other annuals colonising mud and sand [1310], Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330], Mediterranean salt meadows (*Juncetalia maritimi*) [1410], Water courses of plain to montane levels with the *Ranunculion fluitantis* and Callitricho-Batrachion vegetation [3260], Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410], Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae*, *Salicion albae*) [91E0], *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029], *Petromyzon marinus* (Sea Lamprey) [1095], *Lampetra planeri* (Brook Lamprey) [1096], *Lampetra fluviatilis* (River Lamprey) [1099], *Salmo salar* (Salmon) [1106], *Tursiops truncatus* (Common Bottlenose Dolphin) [1349] and *Lutra lutra* (Otter) [1355].

Since the Project site is not hydrologically linked via surface water to this SAC, there is no potential for significant effects on the aquatic associated QI.

Similarly, there is no potential for significant effects on the terrestrial QI of this SAC due to the extensive intervening distance of approx. 7.9km including, the National road (N68) and other local roads, etc. from the proposed works to these habitats, various interspersed forestry plantations, hedgerows, farmland and countryside.

There is no surface water link to this SAC or groundwater hydrological link to this SAC and the respective aquatic dependent QI species. Significant effects (direct or indirect) on any of the aquatic dependent species are not anticipated during either the construction or operation phases of the Project. Works will not occur within the SAC, so direct impacts are not anticipated.

Carrowmore Point to Spanish Point SAC is located approx. 14.5km west of the proposed Project. This European Site is designated for four qualifying interests (QI); Coastal lagoons [1150], Reefs [1170], Perennial vegetation of stony banks [1220], Petrifying springs with tufa formation (*Cratoneurion*) [7220].

Since the Project site is hydrologically linked via surface water to this SAC, however due to the downstream hydrological distance of approx. 40.0km as well as the assimilative capacity of the order 3 Doonbeg River and approx. 8km of the Order 4 Doonbeg River, coupled with the dilution capacity of Doonbeg Lough, due to these factors there is no potential for significant effects on the aquatic associated QI.

Similarly, there is no potential for significant effects on the terrestrial QI of this SAC due to the extensive intervening distance of approx. 14.5km including, the National road (N68) and other local roads, etc. from the proposed works to these habitats, various interspersed forestry plantations, hedgerows, farmland and countryside.

Figure 4.1: Project site showing the closest European SAC Sites

Figure 4.2: Project site showing the closest European SPA Sites

Mid Clare Coast SPA is located approx. 14.5km west of the Project. This European Site is designated for eight qualifying interests (QI); Cormorant (*Phalacrocorax carbo*) (Breeding) [A017], Barnacle Goose (*Branta leucopsis*) (Wintering) [A045], Ringed Plover (*Charadrius hiaticula*) (Wintering) [A137], Sanderling (*Calidris alba*) (Wintering) [A144], Purple Sandpiper (*Calidris maritima*) (Wintering) [A148], Dunlin (*Calidris alpina*) (Wintering) [A149], Turnstone (*Arenaria interpres*) (Wintering) [A169], Wetland and Waterbirds [A999].

Since the Project site is hydrologically linked via surface water to this SAC, however due to the downstream hydrological distance of approx. 40.0km as well as the assimilative capacity of the order 3 Doonbeg River and approx. 8km of the Order 4 Doonbeg River, coupled with the dilution capacity of Doonbeg Lough, due to these factors there is no potential for significant effects on the aquatic associated QI.

The wintering waterbird populations are unlikely to be disturbed (visually or by noise interference) by any of the Project works due to the extensive intervening distance of approx. 14.5km including, the National road (N68) and other local roads, etc. from the proposed works to these habitats, various interspersed forestry plantations, hedgerows, farmland and countryside.

In relation to mobile species listed as qualifying features of European Sites, the following guidance was used to identify whether it recommends the European Site is located within the ZoI of the Project:

- SPAs with mobile bird species: "Assessing connectivity with Special Protection Areas (SPAs)" (2016) guidance document was used to identify connectivity between the Project site and SPAs in the wider surrounding area (SNH, now Natural Scotland) as applicable.

River Shannon and River Fergus Estuaries SPA is located approx. 14.6km south of the Project. This European Site is designated for twenty two qualifying interests (QI); Cormorant (*Phalacrocorax carbo*) (Wintering) [A017], Whooper Swan (*Cygnus cygnus*) (Wintering) [A038], Light-bellied Brent Goose (*Branta bernicla hrota*) (Wintering) [A046], Shelduck (*Tadorna tadorna*) (Wintering) [A048], Wigeon (*Anas penelope*) (Wintering) [A050], Teal (*Anas crecca*) (Wintering) [A052], Pintail (*Anas acuta*) (Wintering) [A054], Shoveler (*Anas clypeata*) (Wintering) [A056], Scaup (*Aythya marila*) (Wintering) [A062], Ringed Plover (*Charadrius hiaticula*) (Wintering) [A137], Golden Plover (*Pluvialis apricaria*) (Wintering) [A140], Grey Plover (*Pluvialis squatarola*) (Wintering) [A141], Lapwing (*Vanellus vanellus*) (Wintering) [A142], Knot (*Calidris canutus*) (Wintering) [A143], Dunlin (*Calidris alpina*) (Wintering) [A149], Black-tailed Godwit (*Limosa limosa*) (Wintering) [A156], Bar-tailed Godwit (*Limosa lapponica*) (Wintering) [A157], Curlew (*Numenius arquata*) (Wintering) [A160], Redshank (*Tringa totanus*) (Wintering) [A162], Greenshank (*Tringa nebularia*) (Wintering) [A164], Black-headed Gull (*Chroicocephalus ridibundus*) (Wintering) [A179] and Wetland and Waterbirds [A999]

There is no surface water or groundwater hydrological link from the proposed site of works to the waterways in this area and similarly there is therefore unlikely to be any significant effects on the QI of River Shannon and River Fergus Estuaries SPA. The wintering waterbird populations are unlikely to be

disturbed (visually or by noise interference) by any of the Project works due to the extensive intervening distance of approx. 14.6km including, the National road (N68) and other local roads, etc. from the proposed works to these habitats, various interspersed forestry plantations, hedgerows, farmland and countryside.

There is no surface water link to this SAC or groundwater hydrological link to this SPA and the respective aquatic dependent QI species. Significant effects (direct or indirect) on any of the aquatic dependent species are not anticipated during either the construction or operation phases of the Project. Works will not occur within the SAC, so direct impacts are not anticipated.

Carrowmore Dunes SAC is located approx. 14.5km west of the proposed Project. This European Site is designated for five qualifying interests (QI); Reefs [1170], Embryonic shifting dunes [2110], Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120], Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] and the *Vertigo angustior* (Narrow-mouthed Whorl Snail) [1014].

Since the Project site is hydrologically linked via surface water to this SAC, however due to the downstream hydrological distance of approx. 40.0km as well as the assimilative capacity of the order 3 Doonbeg River and approx. 8km of the Order 4 Doonbeg River, coupled with the dilution capacity of Doonbeg Lough, due to these factors there is no potential for significant effects on the aquatic associated QI.

Similarly, there is no potential for significant effects on the terrestrial QI of this SAC due to the extensive intervening distance of approx. 14.5km including, the National road (N68) and other local roads, etc. from the proposed works to these habitats, various interspersed forestry plantations, hedgerows, farmland and countryside.

SPR exists between European Sites and this Project. A more robust screen out and associated measures may be found within **table 4.2** below to address the associated SPR between the Project and Designated downstream European Sites.

Under the SPR model, the works associated with the construction and operation of the Project represent the source of potential impacts.

Table 4.2: Relevant European Sites, reason for designation and data for Screening

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
SPECIAL AREAS OF CONSERVATION (SACs)			
Carrowmore Point to Spanish Point SAC (001021)	Habitats: Coastal lagoons [1150] Reefs [1170] Perennial vegetation of stony banks [1220] Petrifying springs with tufa formation (*Cratoneurion*) [7220]	This SAC is located approx. 14.5km west and approx. 42.5km downstream of the Project	This SAC is designated for its role in supporting nine qualifying interests (QI). There is no possibility for significant effects on any of the QI due to: • Coastal Lagoons [1150] are located approx. 14.5km west of the Project (Map 3, NPWS 2014). Direct effects are therefore not anticipated due to the intervening landscape including agricultural lands, road networks, residential housing etc as well as no hydrological connection between the Project and Lough Donnell where the Coastal Lagoons reside. • Reefs [1170] are located approx. 14.5km west and approx. 44.5km downstream of the Project. There is a potential SPR from the Project to this QI via a hydrological link due to surface water runoff during the construction/operation period, therefore indirect effects may be anticipated. However, due to the assimilative capacity of the intervening watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of >40.0km, therefore direct or indirect effects are not anticipated. • Perennial vegetation of stony banks [1120] are located approx. 14.5km west and approx. 46.5km downstream at its closest point of the Project. There is a potential SPR from the Project to this QI via a hydrological link due to surface water runoff during the construction/operation period, therefore indirect effects may be anticipated. However, due to the assimilative capacity of the intervening watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, as

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
			well as the intervening countryside landscape there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of >45.0km, therefore direct or indirect effects are not anticipated. • Petrifying springs with tufa formation (*Cratoneurion*) [7220] are located approx. 14.5km west and approx 55.0km downstream at its closest point of the Project. There is a potential SPR from the Project to this QI via a hydrological link due to surface water runoff during the construction/operation period, therefore indirect effects may be anticipated. However, due to the assimilative capacity of the intervening watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, as well as the intervening countryside landscape there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of >55.0km, therefore direct or indirect effects are not anticipated. • works will not occur within the SAC, so direct effects are not anticipated on any QIs. • all works will be contained within the Project site. • the size and scale of the Project works • works are temporary, short-term, and localised; significant effects are not anticipated. • due to the assimilative capacity of the intervening watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of >40.0km, therefore direct or indirect effects are not anticipated. • works will be undertaken under the guidance of an Ecological Clerk of Works.

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
Lower River Shannon SAC (002165)	**Species:** *Margaritifera margaritifera* (Freshwater Pearl Mussel) [1029] *Petromyzon marinus* (Sea Lamprey) [1095] *Lampetra planeri* (Brook Lamprey) [1096] *Lampetra fluviatilis* (River Lamprey) [1099] *Salmo salar* (Salmon) [1106] *Tursiops truncatus* (Common Bottlenose Dolphin) [1349] *Lutra lutra* (Otter) [1355] **Habitats:** Sandbanks which are slightly covered by sea water all the time [1110] Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Coastal lagoons [1150] Large shallow inlets and bays [1160] Reefs [1170] Perennial vegetation of stony banks [1220]	This SAC is located approx. 7.9km south and approx. 40.0km downstream of the Project	This SAC is designated for its role in supporting, twenty-one qualifying interests (QI). There is no possibility for significant effects on these QI due to: • the nature and scale of the project, no hydrological connection between the Project and this Designated Site, as well as a terrestrial distance of approx. 7.9km south and the intervening countryside landscape. Due to these factors, there is no potential for significant effects on any of the Qualifying Interests (QIs) on this European site.

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (*Juncetalia maritimi*) [1410] Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*) [6410] Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, *Alnion incanae, Salicion albae*) [91E0]		
Carrowmore Dunes SAC	**Habitats:** Reefs [1170] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] **Species:**	This SAC is located approx. 16.1km west and approx. 40.0km downstream of the Project	This SAC is designated for its role in supporting, five qualifying interests (QI). There is no possibility for significant effects on these QI due to: • Reefs [1170] are located approx. 14.5km west and approx 40.5km downstream of the Project. There is a potential SPR from the Project to this QI via a hydrological link due to surface water runoff during the construction/operation period, therefore indirect effects may be anticipated. However, due to the assimilative capacity of the intervening

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
	Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]		watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of >40.0km, therefore direct or indirect effects are not anticipated. • Embryonic shifting dunes [2110], Shifting dunes along the shoreline with *Ammophila arenaria* (white dunes) [2120] and Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] are each located approx. 14.5km west and approx 44.0km downstream of the Project. There is a potential SPR from the Project to this QI via a hydrological link due to surface water runoff during the construction/operation period, therefore indirect effects may be anticipated. However, due to the assimilative capacity of the intervening watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, as well as the intervening countryside landscape there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of >40.0km, therefore direct or indirect effects are not anticipated. • Vertigo angustior (Narrow-mouthed Whorl snail) [1014] are located approx. 14.5km west and approx 43.0km downstream of the Project. There is a potential SPR from the Project to this QI via a hydrological link due to surface water runoff during the construction/operation period, therefore indirect effects may be anticipated. However, due to the assimilative capacity of the intervening watercourses, namely the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, as well as the intervening countryside landscape there is no potential for significant effects on this downstream QI especially when paired with the downstream hydrological distance of

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
			>40.0km, therefore direct or indirect effects are not anticipated. • works will not occur within the SAC, so direct effects are not anticipated on any QIs. • all works will be contained within the Project site. • the size and scale of the Project works • works are temporary, short-term, and localised; significant effects are not anticipated. • the assimilative capacity of the intervening watercourses, the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, there is no potential for significant effect on these downstream QI especially when paired with the downstream hydrological distance of >40.0km, therefore direct or indirect effects are not anticipated. • works will be undertaken under the guidance of an Ecological Clerk of Works.
SPECIAL PROTECTION AREAS (SPAs)			
Mid Clare Coast SPA	**Species:** Cormorant (Phalacrocorax carbo) [A017] (Breeding) Barnacle Goose (Branta leucopsis) [A045] (Wintering) Ringed Plover (Charadrius hiaticula) [A137] (Wintering) Sanderling (Calidris alba) [A144] (Wintering) Purple Sandpiper (Calidris maritima) [A148] (Wintering) Dunlin (Calidris alpina) [A149] (Wintering)	This SPA is located approx. 16.1km west and approx. 40.0km downstream of the Project	This SPA is designated for its role in supporting eight qualifying interest (QI). There is no possibility for significant effects on these QI due to: • this SPA is approx. 16.1km west of the Project, and approx. 40.0km downstream. Due to the intervening landscape with mature treelines and hedgerows, there is no potential for visual or noise disturbance on the SCIs associated with this SPA. • a terrestrial separation distance of >200-750m recommended disturbance distance (BES, 2020). • no works will occur within the SPA, so direct impacts are not anticipated on any wetland /grassland associated with the foraging or roosting sites of the Associated Birds of Conservation concern. • significant adverse effects on the foraging behaviour of these bird species and their habitat are not anticipated.

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
	Turnstone (Arenaria interpres) [A169] (Wintering) Wetland and Waterbirds [A999] According to this SPA's site Conservation Objectives document (Version 1. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.		• The associated SCIs will not be physically harmed by the construction or operation of the Project. • works will not occur within the SAC, so direct effects are not anticipated on any QIs. • all works will be contained within the Project site. • the size and scale of the Project works • works are temporary, short-term, and localised; significant effects are not anticipated. • the assimilative capacity of the intervening watercourses, the order 3 and 4 Doonbeg River and the dilution capacity of Doonbeg Lough/ Bay, there is no potential for significant effect on these downstream QI especially when paired with the downstream hydrological distance of >40.0km, therefore direct or indirect effects are not anticipated. • works will be undertaken under the guidance of an Ecological Clerk of Works. • Intervening countryside landscape
River Shannon and River Fergus Estuaries SPA (004077)	**Species:** Cormorant (Phalacrocorax *carbo*) [A017] (Wintering) Whooper Swan (*Cygnus cygnus*) [A038] (Wintering) Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] (Wintering) Shelduck (*Tadorna tadorna*) [A048] (Wintering) Wigeon (*Anas penelope*) [A050] (Wintering) Teal (*Anas crecca*) [A052] (Wintering)	This SPA is located approx. 14.6km south and is not hydrologically connected to the Project	This SPA is designated for its role in supporting twenty-two qualifying interests (QI). There is no possibility for significant effects on these twenty-two QI due to: • the nature and scale of the project, no hydrological connection between the Project and this Designated Site, as well as a terrestrial distance of approx. 14.6km south and the intervening countryside landscape. Due to these factors, there is no potential for significant effects on any of the species of Special Conservation Interest (SCI) on this European site.

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
	Pintail (*Anas acuta*) [A054] (Wintering) Shoveler (Anas clypeata) [A056] (Wintering) Scaup (*Aythya marila*) [A062] (Wintering) Ringed Plover (*Charadrius hiaticula*) [A137] (Wintering) Golden Plover (*Pluvialis apricaria*) [A140] (Wintering) Grey Plover (*Pluvialis squatarola*) [A141] (Wintering) Lapwing (*Vanellus* vanellus) [A142] (Wintering)		
	Knot (*Calidris canutus*) [A143] (Wintering) Dunlin (*Calidris alpina*) [A149] (Wintering) Black-tailed Godwit (*Limosa limosa*) [A156] (Wintering) Bar-tailed Godwit (*Limosa lapponica*) [A157] (Wintering) Curlew (*Numenius arquata*) [A160] (Wintering) Redshank (*Tringa totanus*) [A162] (Wintering) Greenshank (*Tringa nebularia*) [A164] (Wintering) Black-headed Gull (*Chroicocephalus*		

Designated Site	Reasons for designation (information correct as of 12th May 2021) (*denotes a priority habitat)	Distance from Project (km)	Potential adverse effect: Source-Pathway-Receptor Linkage
	ridibundus) [A179] (Wintering) **Habitats:** Wetland and Waterbirds [A999]		

4.3 IN-COMBINATION EFFECTS

Planning Permission Applications

While effects on European Sites are not expected as a result of the construction and operation of the Project, the potential for cumulative effects on these designated sites due to other plans and projects acting in-combination with the Project are considered. The Clare County Council on-line planning application portal was used to search planning applications close to the Project (December 2023). A five-year search timeframe was assessed; Retention, refused and withdrawn planning applications were excluded. **Table 4.3** shows the planning applications in close proximity to the Project (circa 500m).

Table 4.3: Planning applications in close proximity to the Project.

Planning Reference	Description of Development	Site Address	Decision Date	Distance from Site
2360414	Planning is being sought for a development which will consist of a 10 year planning permission for the construction and operation of battery arrays (240 number units, each 1.87m2 by c. 2.32m tall), a control building with gross floor area 140m2 by 6.40m tall, 3 number 12MVA transformers (c. 3.5m tall), 1 number 2.5MVA transformer (c. 2.5m tall) and inverters (24 number units, each 1.85m2 by c. 2.22m tall. The development will include for ancillary infrastructure including security fencing, lighting, CCTV, internal access roads and drainage. The development will have a 35-year operational lifetime. The overall development site is ca. 1.42 hectares (ha)	Booltiagh, Glenmore North, Co. Clare	23/11/2023	>100m from the Project

Planning Reference	Description of Development	Site Address	Decision Date	Distance from Site
23328	Planning is sought for the continued operation of the existing Booltiagh Wind Farm as permitted by An Bord Pleanala Ref: 03.120616 (Clare County Council Pl. Ref: 00/567) for a further period of 10 years from the date of the expiry of the current planning permission (30th September 2025) per Condition no. 2 of the consent issued and for the decommissioning of the wind farm at the end of that further period. The proposed development does not comprise any modifications to the existing operational wind farm. The proposed development comprises: a) 12 no. existing GE Energy 1.5 Megawatt (MW) wind turbines with a maximum overall blade tip height of 90 metres (m) including hardstands; b) Existing site access tracks and car parking spaces; c) all existing associated underground electrical and communications cabling connecting the turbines to onsite substation (onsite substation consented under ABP 03.120616, amended and made permanent under Pl. Ref: 11/34, and amended under ABP 03.245273; d) Existing gated site entrance from Creegh - Kilmaley local road; e) Existing site drainage; f) All existing ancillary infrastructure, associated site fencing and signage; and g) Implementation of a decommissioning plan. All elements of the wind farm are pre-existing, and it is not proposed to make any alterations to the current site layout, wind turbines or associated infrastructure as part of this application. an Environmental Impact Assessment Report (EIAR) accompanies the planning application	Booltiagh, Glenmore North, Co. Clare	FI/ 2023	>100m from the Project
23290	Amendment to item (1) of Permitted Development Pl. Ref: 21/1057 to install a 38kV electrical connection over a total length of approximately 11km,	Crossmore	16/08/2023	>100m from the Project

Planning Reference	Description of Development	Site Address	Decision Date	Distance from Site
	from the permitted Crossmore Wind Farm.			
211057	A 38kV electrical connection over a total of approximately 11km, from the permitted Crossmore Wind Farm (planning ref: P09/123, as extended under planning ref: 19/388 and altered by P20/824) to the existing 110kV Booltiagh substation. This connection will consist of approximately 10km of overhead line and associated 97 no. wooden polesets (single, double and triple structures with approximate heights between 14-19 metres), and approximately 1km of underground cabling.	Crossmore, Derrynageeha, Ballyduneen, Carrowreagh West, Corraige, Knockalough, Crag, Furroor, Boolynamweel, Illaunatoo or Sorrelisland, Boolynaknockaun, Glenmore and Booltiagh	13/05/2022	>100m from the Project
20824	For development comprising an increased wind turbine blade length and associated reduction in turbine hub height, creation of a splayed junction, and all associated cabling, services and ancillary works at land at the site of the consented Crossmore Wind Farm.	Crossmore and Derrynageeha Co Clare	19/05/2021	>100m from the Project
19388	Extend the Appropriate Period of Planning Permission P09/123 for proposed development which will consist of Seven wind turbines with a hub height of 80m and blade diameter of 90m, construction of substation, access roads and associated works	Crossmore Wind Farm Knockalough Co. Clare	10/07/2019	>100m from the Project
18555	Planning is being sought for a development which will consist of the installation of battery arrays located within container units (18 number units, each 30m2 by c. 2.6m tall) a control building (c 160.5m2 by c.6.4m tall) and transformer (c. 5m tall). The development will include for ancillary infrastructure including security fencing, lighting, CCTV, Internal access roads & drainage. The overall development site is c.1.4Ha.	Booltiagh, Glenmore North, Co. Clare	30/08/2018	>100m, from the Project

There were no other relevant planning applications within the above-mentioned timeframe within the area at the time of writing (December 2023). In-combination operational effects are considered unlikely.

This Project will be carried out over a short period of time and according to the Method Statement in Appendix II.

The AA Screening Assessment has shown there will be no likely significant effects to any European Site during the construction or operation of the Project. Works will be contained within the site; it is anticipated that there will be no in-combination impacts from any local planning applications.

5 SCREENING ASSESSMENT – CONCLUSION

It can be objectively concluded without any scientific doubt that there are not likely to be any significant effects on any European Site as a result of the construction or operation of the Project at Booltiagh, Glenmore North, Co. Clare. Therefore, an Appropriate Assessment is not required. This is due to the examination of emission pathways that could be created by the Project, which relate to surface water runoff, air, noise and vibration. The Project is considered to create negligible environmental effects due to the small-scale nature of works involved with the construction of the Alternative Route. Due to the downstream hydrological distance of approx. 40.0km from the Project to the Designated European Sites as well as the assimilative capacity of the intervening watercourses namely the order 3/4 Doonbeg River, the dilution capacity of Doonbeg Lough and the Project being located on peat soils (which reduce the risk of sediment and nutrients movement into watercourses) on a moderate slope the potential for significant effects to occur is highly unlikely.

The groundwater/surface water flood mapping confirmed that the site is not at risk from groundwater flooding with no historic record of groundwater flooding at the Project site. Given that the entirety of bedrock at the proposed work area is of Sandstone, siltstone and mudstone Namurian, there is little risk of groundwater flooding. In addition, there is no risk of tidal or pluvial flooding at this site. Also, given that works will be carried out according to the methodology outlined in Section 2.3, pathways carrying nutrients, silt or contaminants to SAC/SPA groundwater are considered unlikely. Furthermore, the subsoil permeability of the Project is categorised as 'low'.

The screening has also ruled out the possibility for interaction with mobile species such as Special Conservation Interests of the above-mentioned SPAs due to the location of the Alternative Route along the public road corridor. As the Project will not result in perceptible emissions to air, noise or vibration. Significant adverse air, noise and vibration emissions to any QI are not anticipated during construction or operation.

6 REFERENCES

NPWS (2012) Conservation Objectives: River Shannon and River Fergus Estuaries SPA 004077. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2012) Conservation Objectives: Lower River Shannon SAC 002165. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2014) Conservation Objectives: Mid-Clare Coast SPA 004182. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2014) Conservation Objectives: Carrowmore Point to Spanish Point and Islands SAC 001021. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2014) Conservation Objectives: Carrowmore Dunes SAC 002250. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht. Office of the Planning Regulator (OPR) (2021). Appropriate Assessment Screening for Development Management. OPR Practice Note PN01.

Clare County Council (2023), Planning Map, https://clarecoco.maps.arcgis.com/apps/webappviewer/index.html?id=7b81e3372c17498589994ec61006e846

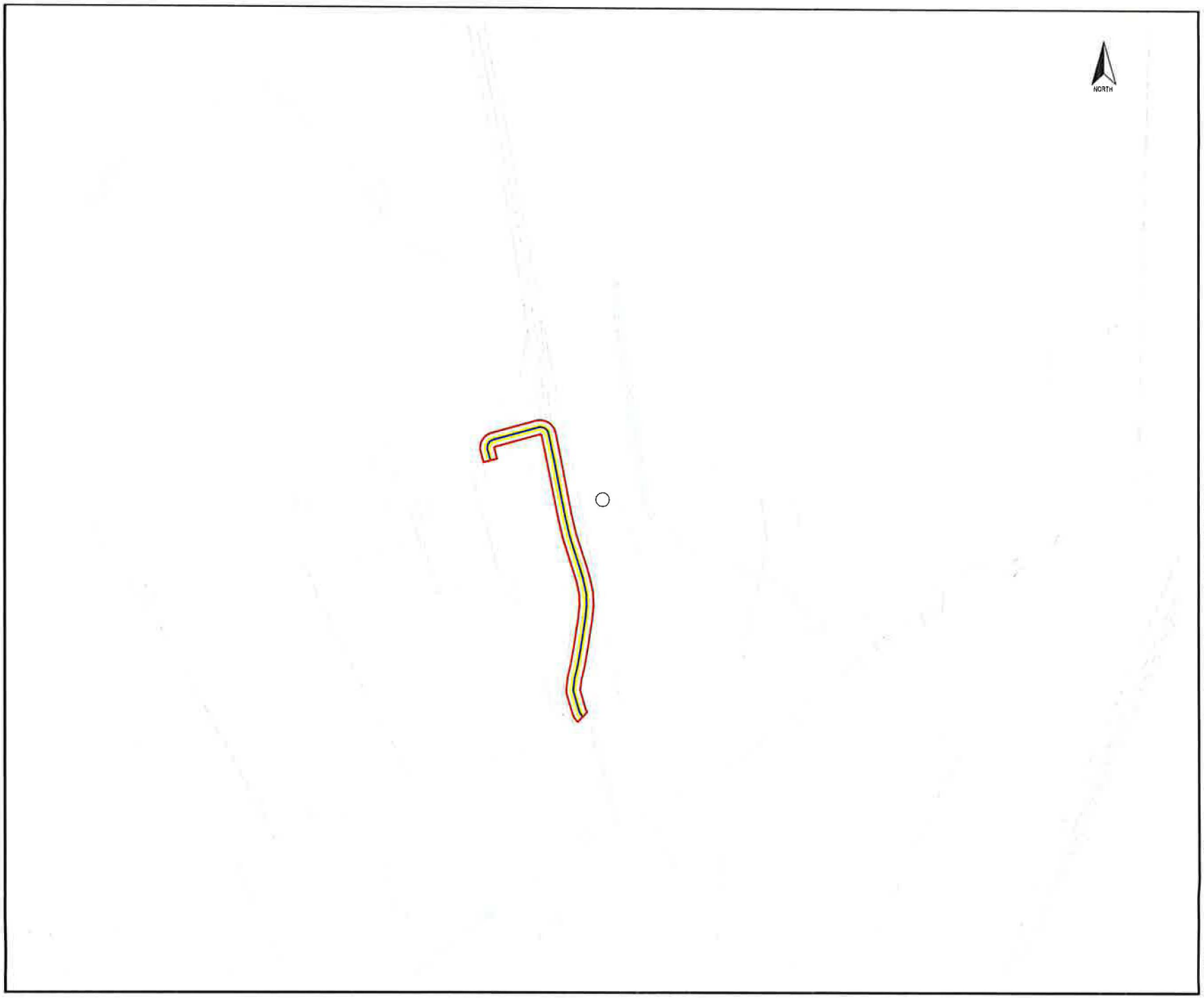
SNH, Marine Scotland Information, NatureScot https://marine.gov.scot/data-owners/naturescot-previously-snh

Outline Construction Methodology 38kV Underground Cable & Overhead Line

Crossmore Wind Farm Grid Connection

May 2023
Report Ref: 05-743-001-02
Client: XMR Energy Ltd

APPENDIX C: CONSTRUCTION METHODOLOGY



NOTES:
1 FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING
2 ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE
3 ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
4 THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

ITM CENTRE PT. CO-ORDS

E 516388m, N 670132m

MAP SHEETS

Digital Map 4434
Published Scale. 1:5,000

Legend:

Proposed Underground Cable Route Length 266m

Site Location

Tailte Éireann

rev.	modifications	By	Date

Client
XMR ENERGY Ltd.

Project
CROSSMORE WIND FARM
KNOCKALOUGH, COUNTY CLARE.

Stage
PLANNING

Title
SECTION 5 APPLICATION:
GRID CONNECTION INTO
BOOLTIAGH SUBSTATION

Scales
1:2500

Surveyed	Prepared By	Checked	Date
		B.C.	12-Dec-2023

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Job No.	Drawing no.	Revision
6148	PL-S5-001	

APPENDIX B: SITE LOCATION PLAN

Revision:	Designer:	Checked:	Date:	Notes:
1	EH	DM	17.05.21	Issued for Planning
2	JF	DM	16.05.23	Issued for Planning

Contents

1.0 Introduction

This Construction Environmental Management Plan (CEMP) sets out the construction techniques and methodologies for the overall grid connection from the consented Crossmore Windfarm to the existing 110kV Booltiagh Substation. For the purpose of this document, the Overall Grid Connection is considered to include the existing consented gird connection (Ref. 21/1057), as amended by the proposed development. In the interest of clarity and transparency, the information required to take account of the proposed changes to the previously consented grid connection, all updates to the original CEMP submitted for the grid connection (Ref No. 21/1057) are predominantly shown in red within this document.

For the purpose of this document the following terminology is defined as:

1. The "Consented Grid Route" (21/1057): A 38kV electrical grid connection over a total of approximately 11km from the permitted Crossmore Wind Farm to the existing 110kV Booltiagh Substation. This connection was to consist of approximately 10km of overhead line and associated 97 polesets and approximately 2km of underground cabling.

2. The "Proposed/Amended Grid Route": This amended connection will consist of: Revision to site boundaries as permitted under Pl. Ref: 21/1057 Removal of permitted overhead line from permitted polesets north of Local Road L2084 (previously numbered polesets 1-40 consented under Pl. Ref: 21/1057) for a distance of circa 4km and its replacement with c. 6.5km of underground electrical cabling along unnamed Local Roads before reconnecting into the consented Overhead line at Booltiagh substation.

3. Overall Grid Connection: The revised grid connection as proposed from Crossmore Wind Farm will therefore result in the development of c. 5.9km of overhead line (poleset numbers 41-93 consented under Pl. Ref: 21/1057) and c. 6.5km of underground cable (proposed under the subject application.

The purpose of this document is to outline and explain the construction techniques and methodologies which will be implemented during the construction of the Overall Grid Connection to the existing ESB Booltiagh 110kV substation. The grid connection will consist of a transmission line comprising of sections with both overhead line (OHL) and underground Cable (UGC).

The OHL infrastructure will consist of Mulberry 150mm^2 AAAC (All Aluminium Alloy Conductor) on single and double pole wooden intermediate structures with a target span length of 130m between wooden structures and stay wired within sections of wet/peatlands.

The UGC works will consist of the installation of 6 no. ducts in an excavated trench to accommodate 3 no. power cable ducts, 2 no. fibre communications cable ducts and 1 no. earth continuity duct. (Note: for clarity, where UGC is referenced in this report, it relates to both cable and the relevant associated ducting).

This document is intended to be used as an aid to understand the methodologies to be employed during construction and should be read in conjunction with all other specialist reports which accompany the planning application. In addition, this document is in outline form only and will be revised and updated prior to the commencement of any construction activities, and detailed Method Statements will be prepared in respect of each aspect of the Overall Grid Connection.

2.0 Consented Grid Route

The Consented transmission line as originally proposed was approximately 11km in length and was to run in a northerly direction from Crossmore Wind Farm to the existing ESB Booltiagh 110kV substation. The proposed route travelled mostly overhead across private agricultural land, crossing the N68, R484 and other smaller local roads. There were three proposed sections of underground cable, at either end of the grid connection and a small section towards the northern part of overall grid connection.

2.1 Proposed Transmission Line Route

The proposed transmission line is approximately 6km in length and runs in a northerly direction from Crossmore Wind Farm to folio number CE27602 as shown in Figure 1 below. The proposed route travels overhead across private agricultural land, crossing the N68, R484 and other smaller local roads. There are two sections of underground cable, at either end of the grid connection, a small section within the curtilage of the Crossmore Wind Farm site and a second section from folio number CE2760 to Booltiagh station, of approximately 6.5km in length.

The exact location of the transmission line within the proposed site boundary is subject to minor modification following a further detailed assessment to be undertaken prior to construction and following consultation with Clare County Council and all other relevant stakeholders, having regard to all environmental protection measures outlined in the planning application and accompanying technical reports.

Section	Description
Section 1 UGC 230 m	**UGC from Folio CE27602 to Joint Bay 1** The first section of UGC originates within folio no. CE27602, where the OHL is terminated. The UGC will enter the public road L-2084 and proceed in an easterly direction for approximately 230 metres. The underground cable will cross a twin culvert utilising Horizontal Directional Drilling (HDD) methodology due to the lack of available cover within the bridge deck before entering joint bay 1. Please refer to Section 4.4 Horizontal Directional Drilling (HDD) for further details. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.
Section 2 UGC 962 m	**UGC from Joint Bay 1 to Joint Bay 2** After the UGC exits joint bay 1, it is trenched within the road L-2084 for an additional 962 metres approximately before reaching joint bay 2. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.
Section 3 UGC 755 m	**UGC from Joint Bay 2 to Joint Bay 3.** After the UGC exits joint bay 2, the cable is trenched within the road, heading in a northerly direction upon reaching joint bay 3. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.
Section 4 UGC 950 m	**UGC from Joint Bay 3 to Joint Bay 4.** The UGC cable continues following the public road in a northern direction to where joint bay 4 is located. There is an existing culvert that will require a HDD to cross due to inadequate cove in the deck of the bridge, refer to Section 4.4 Horizontal Directional Drilling (HDD) for further details. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.

Section 5 UGC 950 m	**UGC from Joint Bay 4 to Joint Bay 5.** The UGC cable continues following the public road in a northern direction to where joint bay 5 is located. The Sorrell Island Bridge will require to HDD across the Doonbeg River due to inadequate cover in the deck of the bridge, refer to Section 4.4 Horizontal Directional Drilling (HDD) for further details. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.
Section 6 UGC 950 m	**UGC from Joint Bay 5 to Joint Bay 6.** The UGC cable continues in a northerly direction following the public road. Within this section there is a stone arch culvert crossing the Sorrell Island Bridge. This culvert will require a HDD method to cross due to inadequate cover in the bridge deck, refer to section 4.4 Horizontal Directional Drilling (HDD) for further details. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.
Section 7 UGC 950 m	**UGC from Joint Bay 6 to Joint Bay 7.** After the UGC exits joint bay 6, the cable is trenched within the road, heading in a north-easterly direction upon reaching joint bay 7. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.
Section 8 UGC 1050 m	**UGC from Joint Bay 7 to Booltiagh Substation.** As the UGC exits joint bay 7, the cable is trenched within the road, heading in a westerly direction. There is an existing culvert that will require the Crossmore cables to cross using a service under / over crossing. The grid connection will align with the previous consented planning route for connecting into Booltiagh Substation through private lands. This section of UGC is an amendment to the previously permitted interconnector and is the subject of the current planning application to Clare County Council.

The exact location of the route connection into Booltiagh Substation is subject to minor modification following a further detailed assessment to be undertaken prior to construction and following consultation with Clare County Council and all other relevant stakeholders, having regard to all environmental protection measures outlined in the planning application and accompanying technical reports. The additional route under examination is proposed to utilise the existing access road into Booltiagh Station.

Figure 1, below, outlines the proposed transmission line route.

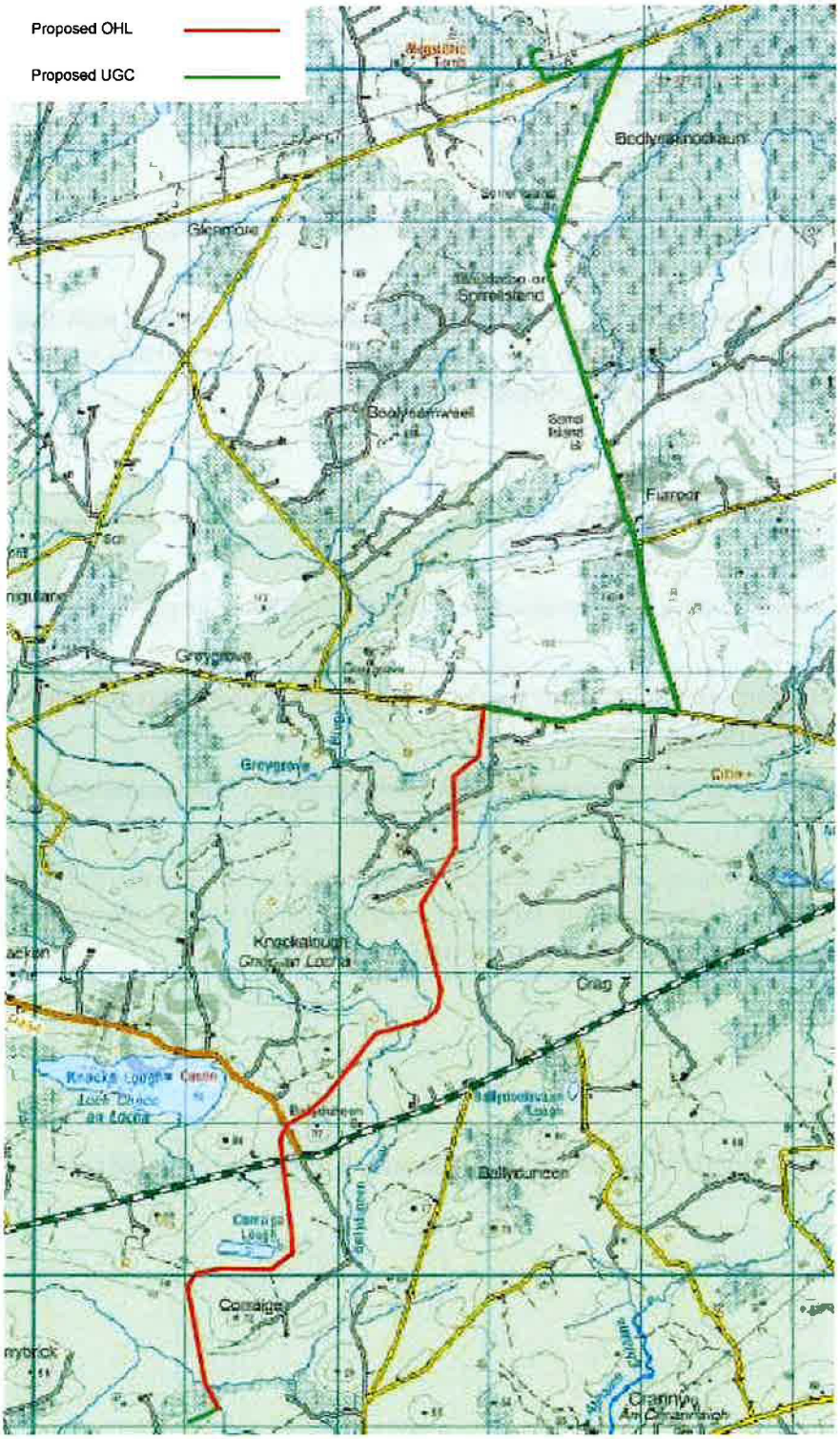


Figure 1: Grid Connection Route Location

3.0 Preliminary Site Investigations

It is proposed to carry out additional preliminary site investigations along the cable route and overhead line prior to construction to confirm design assumptions.

The following items may be carried out:

3.1 OHL Route:

Trial holes along the route to ascertain ground conditions, mainly in areas of soft/waterlogged soils (peat/bog area) post felling operations.

Traffic Management – None required due to location of site investigation (SI) being off road. Bog Matting will be required to access the site locations. Any excavated Peat/Bog will be temporarily stored on Bog Mats covered in plastic sheeting or as advised by Environmental Clerk of Works.

Equipment:

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

3.2 UG Line Route (applies to both UG sections of the Consented Grid Route and the Proposed/Amended Grid Route)

Trial holes along the route to ascertain ground conditions, mainly in areas of soft/waterlogged soils (peat/bog area).

Traffic Management – None required due to location of site investigation (SI) being off road. Bog Matting will be required to access the site locations. Any excavated Peat/Bog will be temporarily stored on Bog Mats covered in plastic sheeting or as advised by Environmental Clerk of Works.

Equipment:

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

4.0 UGC Construction Methodology (for both UGC elements of the Consented Grid Connection & the Proposed/Amended Grid Connection)

The UGC will consist of 3 no. 110mm diameter HDPE power cable ducts, 2 no. 110mm diameter HDPE communications ducts and 1 no. 50mm MDPE earth continuity duct to be installed in an excavated trench, typically 600mm wide by 1220mm deep, with variations on this design to adapt to bridge crossings, service crossings and watercourse crossings. The power cable ducts will accommodate 3 no. power cables. The communications duct will accommodate a fibre cable to allow communications between the Crossmore Wind Farm substation and Booltiagh 110kV substation. An earth continuity duct is required for electrical safety purposes and in accordance with ESB specifications. The ducts will be installed and the excavated trench will be reinstated in accordance with landowner requirements & ESBN specifications. Then the electrical cabling/fibre cable will be pulled through the installed ducts. Construction methodologies to be implemented and materials to be used will ensure that the UGC is installed in accordance with the requirements and specifications of ESB.

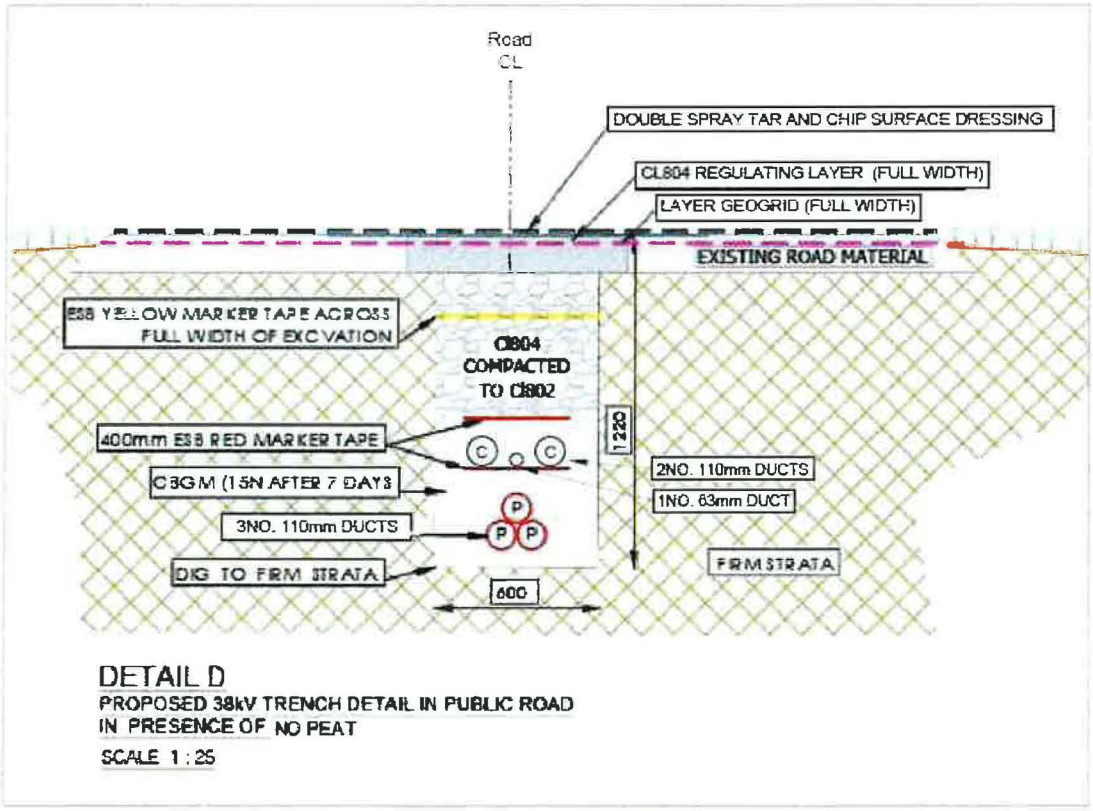


Figure 2: Typical Trench in Roadway

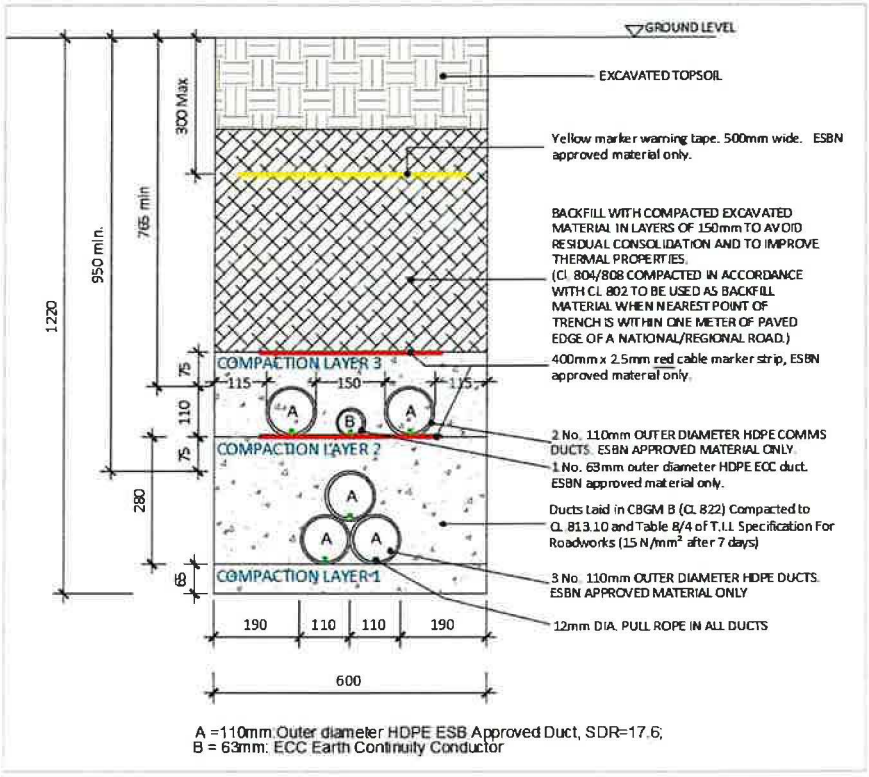


Figure 3: Typical Trench in Off Road Section

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

Marker posts will be used to delineate the duct route positions. Corrosion proof aluminium triangular danger signs, with a 700mm base, and with centred lightning symbol, on fluorescent yellow background shall be installed in adequately sized concrete foundations. The precise siting of marker posts will be dictated by ESBN as part of the detailed design process.

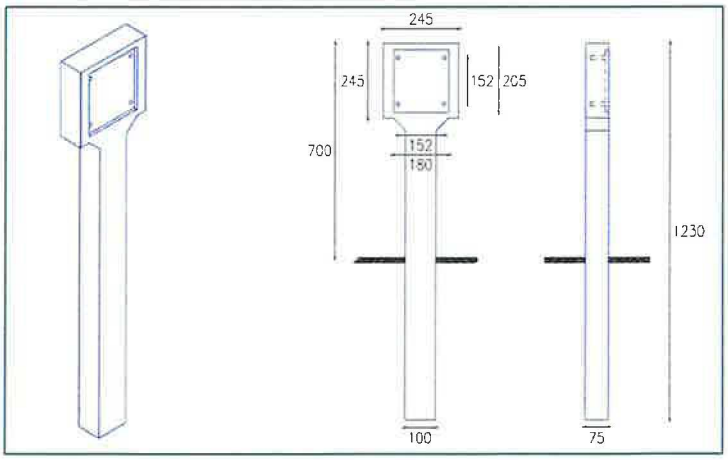


Figure 4: Typical ESB Marker Posts Example

4.1 Trenching Methodology

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

- The Contractor, and their appointed Site Manager, will prepare a targeted Method Statement concisely outlining the construction methodology and incorporating all mitigation and control measures included within the planning application and accompanying reports and as required by planning conditions where relevant.
- All existing underground services shall be identified on site prior to the commencement of construction works.
- At watercourse crossings, the contractor will be required to adhere to the environmental control measures outlined within the planning application and accompanying reports, and best practice construction methodologies.
- Where the cable route intersects with culverts, the culvert will remain in place (where possible) and the ducting will be installed either above or below the culvert to provide minimum separation distances in accordance with ESB and Irish Water specifications.
- If culverts require removal for ducting installation, it is proposed that a suitable method of damming the water source and pumping the water around the work area would be set out in a method statement and agreed with the relevant stakeholders. Once the ducts are installed the culvert will be reinstated to match existing levels and dimensions. If works of this nature are required, the contractor will liaise with Inland Fisheries Ireland in advance of works.
- Traffic management measures will be implemented in accordance with those included in the Traffic Management Report, and a detailed Traffic Management Plan will be prepared and agreed with Clare County Council.
- The excavated trench will be approximately 600mm in width and approximately 1220mm deep.
- The base of the excavated trench will be lined with sand bedding to be imported to site from a local licensed supplier. The 110mm diameter HDPE cable ducting will be placed into the prepared trench, inspected and backfilled as per Figures 2 & 3.
- Excavated material will be temporarily stockpiled onsite for re-use during reinstatement. Stockpiles will be restricted to less than 2m in height. Stockpiles will be located a minimum of 50m from surface water features and all stockpiling locations will be subject to approval by the Site Manager and Project Ecological Clerk of Works (ECoW).
- Excavated material shall be employed to backfill the trench where appropriate and any surplus material will be transported off site and disposed of at a fully authorised soil recovery site.
- Any earthen (sod) banks to be excavated will be carefully opened with the surface sods being stored separately and maintained for use during reinstatement.
- The excavated trench will be dewatered if required, from a sump installed within the low section of the opened trench. Where dewatering is required, dirty water will be fully and appropriately attenuated, through silt bags, before being appropriately discharged to vegetation or surface water drainage feature.
- Where required, grass will be reinstated by either seeding or by replacing with grass turves.
- No more than a 100 metre section of trench will be opened at any one time. The second 100 metres will only be excavated once most of the reinstatement has been completed on the first.

- The excavation, installation and reinstatement process will take on average of 1 no. day to complete a 100-metre section.
- Where the underground cable is being installed in a roadway, temporary reinstatement may be provided to allow larger sections of road to be permanently reinstated together.
- Works will only be conducted in normal working hours of Monday to Friday 08:00 to 20:00 and Saturday 08:00 to 18:00, with no works on Sundays or Bank Holidays except in exceptional circumstances o in the event of an emergency.
- Following the installation of ducting, pulling the cable will take approximately 1 no. day between each joint bay, with the jointing of cables taking approximately 1 no. day.
- Where the underground cable is being installed in a roadway with the presence of peat, four trenching methods have been selected depending on the varying peat depth as per Figure 5.

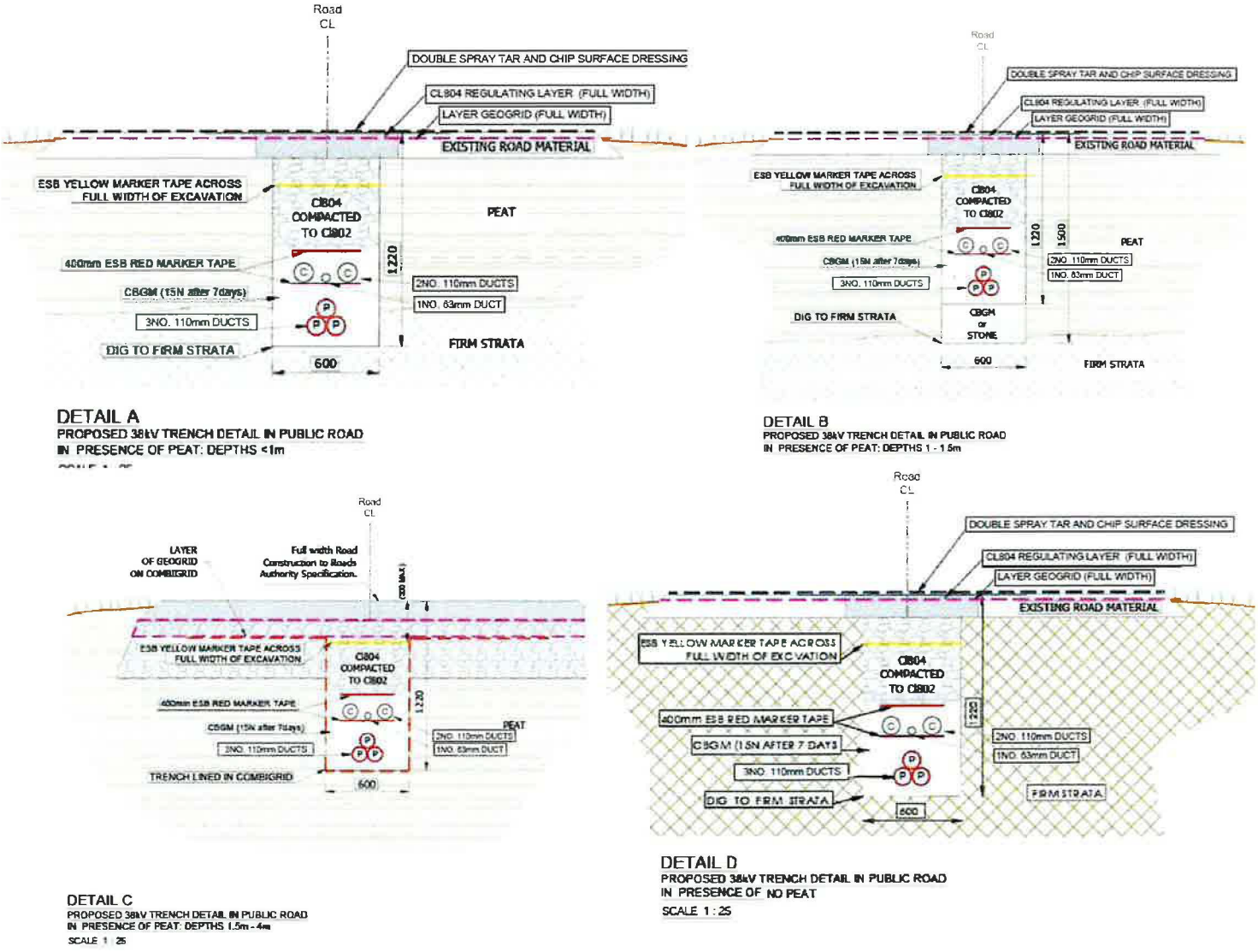


Figure 5 – Trenching in Roadway with Presence of Peat

Equipment:

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

Materials:

- Sand for pipe bedding.
- Ready-mix Concrete where necessary (delivered to site).
- Trench backfilling material (excavated material and aggregates) to relevant specifications.
- 110mm diameter HDPE ducting.
- Temporary Surface Reinstatement Materials.

Figure 6: Typical 38kV Underground Duct Installation

4.2 Horizontal Direction Drilling (HDD)

Horizontal Direction Drilling (HDD) is a method of drilling under obstacles such as bridges, railways, water courses, etc. in order to install cable ducts under the obstacle. This method is employed where installing ducts using standard installation methods is not possible.

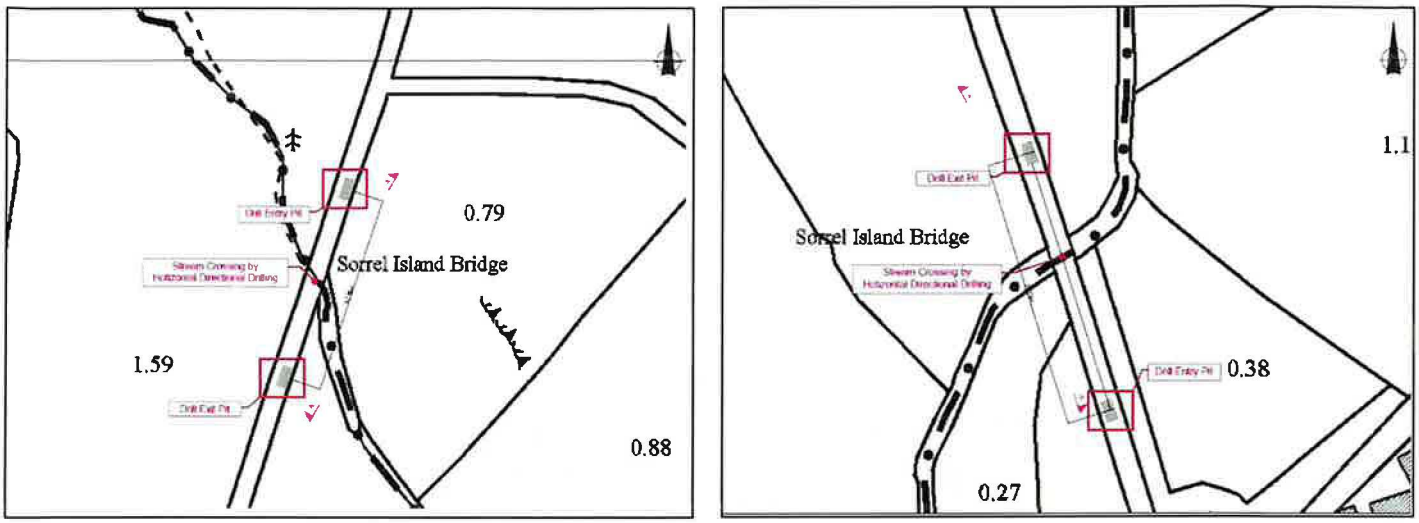


Figure 7 - HDD Bridge Crossings

There are 4 bridge crossings on this UGC route which will require HDD in order to achieve a successful crossing. The proposed drilling methodology is as follows: -

1. A works area of circa 40m^2 will be fenced on both sides of the bridge crossing,
2. The drilling rig and fluid handling units will be located on one side of the bridge and will be stored on double bunded 0.5mm PVC bunds which will contain any fluid spills and storm water run-off.
3. Entry and exit pits (1m x 1m x 2m) will be excavated using an excavator, the excavated material will be temporarily stored within the works area and used for reinstatement or disposed of to a licensed facility.
4. A 1m x 1m x 2m steel box will be placed in each pit. This box will contain any drilling fluid returns from the borehole.
5. The drill bit will be set up by a surveyor greater than 2 metres away from the bridge structure, and the driller will push the drill string into the ground and will steer the bore path under the watercourse.
6. A surveyor will monitor drilling works to ensure that the modelled stresses and collapse pressures are not exceeded.
7. The drilled cuttings will be flushed back by drilling fluid to the steel box in the entry pit.
8. Once the first pilot hole has been completed a hole-opener or back reamer will be fitted in the exit pit and will pull a drill pipe back through the bore to the entry side.
9. Once all bore holes have been completed, a towing assembly will be set up on the drill and this will pull the ducting into the bore.
10. The steel boxes will be removed, with the drilling fluid disposed of to a licensed facility.
11. The ducts will be cleaned and proven and their installed location surveyed.
12. The entry and exit pits will be reinstated to the specification of ESB Networks and the landowner.
13. A transition coupler will be installed at either side of the bridge/ following the horizontal directional drilling as per ESB requirements, this will join the HDD ducts to the standard ducts.

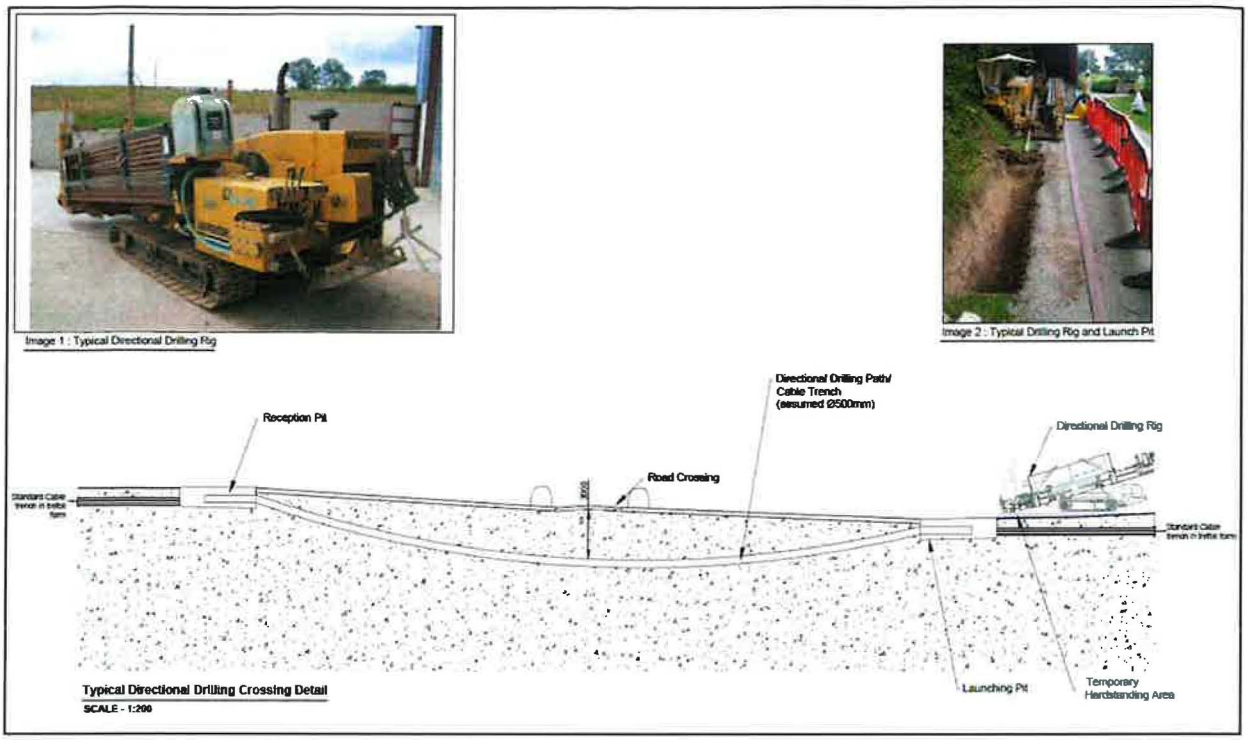


Figure 8 - Typical HDD Installation

4.3 Managing Excess Material from Trench

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

4.4 Storage of Plant and Machinery

All plant, machinery and equipment will be stored on site within the works area or at a nearby secure area. Oils and fuels will not be stored on site and will be stored in an appropriately bunded area at a nearby secure area.

5.0 OHL Construction Methodology

5.1 General 38kV Overhead Line Construction Methodology (as previously set out for the Consented Grid Route)

The 38kV overhead line sections (associated with the Consented Grid Route) will be constructed of single poles at intermediate locations, and double wood poles (with stays for larger angles) at angle positions. Where the overhead line terminates and transitions to underground cable, triple pole structures are used. This is the standard type of construction used for 38kV single circuit lines carrying the designated conductor.

Figure below shows the typical structure types to be used.

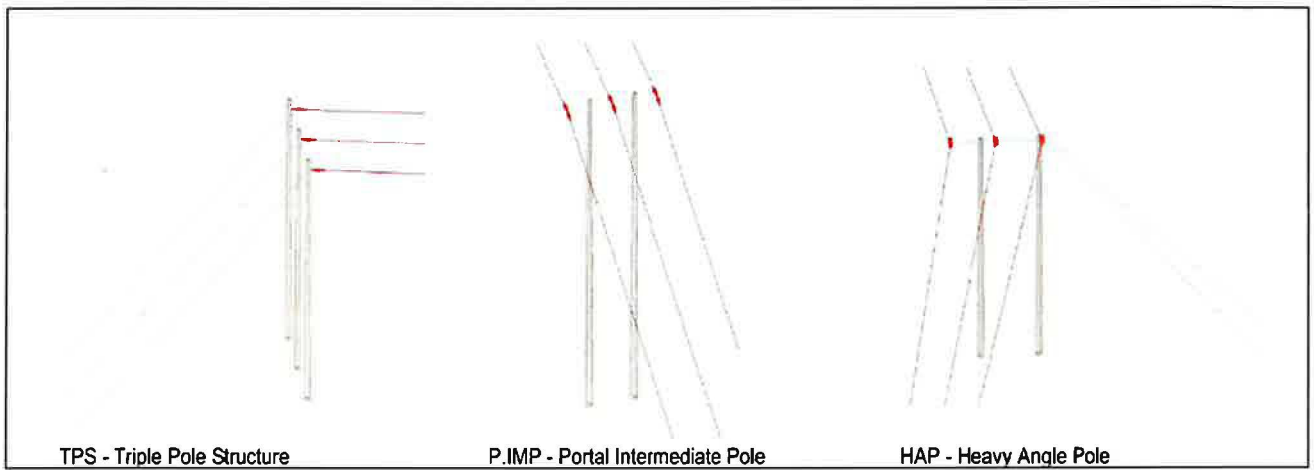


Figure 9: Typical 38kV Overhead Line Structures

Prior to commencement of work the contractor(s) will prepare method statements and work programmes to show detailed phasing of all works. The appointed contractor(s) will develop a series of detailed construction method statements for the erection of the support structures and the stringing of the line for all areas. These method statements will detail access to structure sites, archaeological and ecological sensitive sites and will take account of third-party requirements, mitigation measures outlined in the various sections of the environmental reports and site investigations carried out prior to construction. Any issues specific to this project, for example unique planning conditions, will be incorporated fully into the appointed contractors' scope of work and careful supervision and management will be carried out to ensure full compliance.

The method statements produced by the contractor(s) will be agreed with the appropriate parties, including the Local Authority. The Client will appoint a team to monitor the construction phase of the project and ensure works are being carried out in accordance with the agreed method statements, safety procedures, pollution control etc. An access officer will be appointed by the Client to liaise with the landowners along the line route and ensure that their requirements for entry are met.

5.2 Installing Pole sets (as previously set out for the Consented Grid Route)

Delivery of material to site

The required poles will be collected from the storage yard and delivered to the required location via Hiab truck to a suitable location near the work site. Poles are then brought to pole position with 360 track machine or tractor and pole trailer.

Crushed stone/concrete will be delivered to site as required. Provisions will need to be made at site entrances to allow for the unloading of larger trucks to suitable material transport vehicles, traveling across agricultural land/roads i.e. unloading a readimix concrete truck into a 3 tonne dumper.

Pole base excavation and pole erection

Each pole will require an excavated pole base plan area of approximately $1m^2$ excavated to a depth of 2.3m. In areas of poor ground, after excavation of the base and subsequent erection of the pole set a further excavation may be necessary. This is a linear excavation perpendicular to the line necessary to install wooden sleepers. These sleepers add additional stability to the pole set and are attached to the pole set using a U-bolt. Typical details reflecting this arrangement are outlined in Figure 10 below.

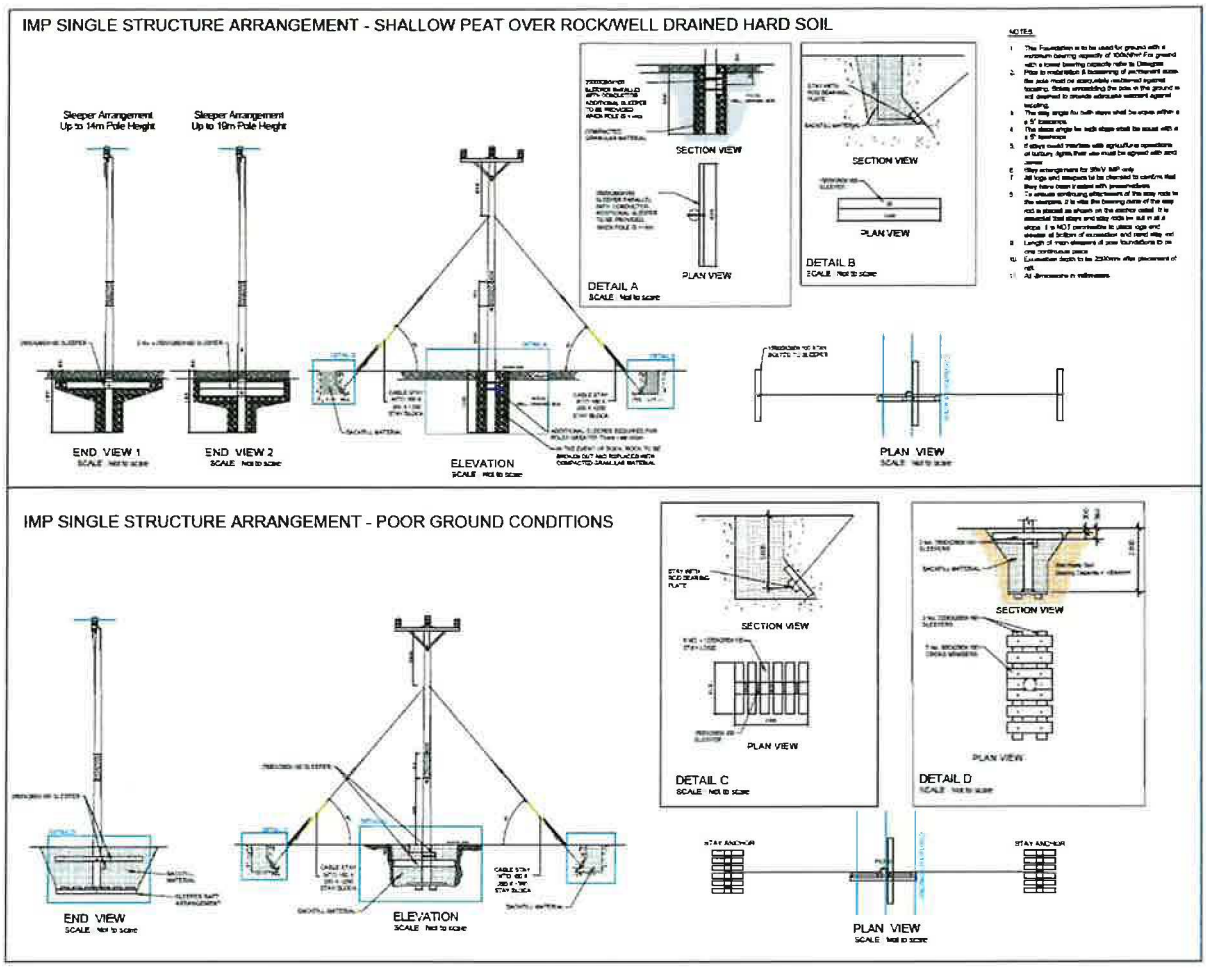


Figure 10: Typical IMP single pole foundation type

In areas of deep bog/peat ground conditions, specifically designed foundations are required depending on the depth and strength of soil at pole location.

Excavated material may be replaced with crushed rock and the pole supported with additional side stays.

See Figure 11 below showing typical foundation in bog/peat.

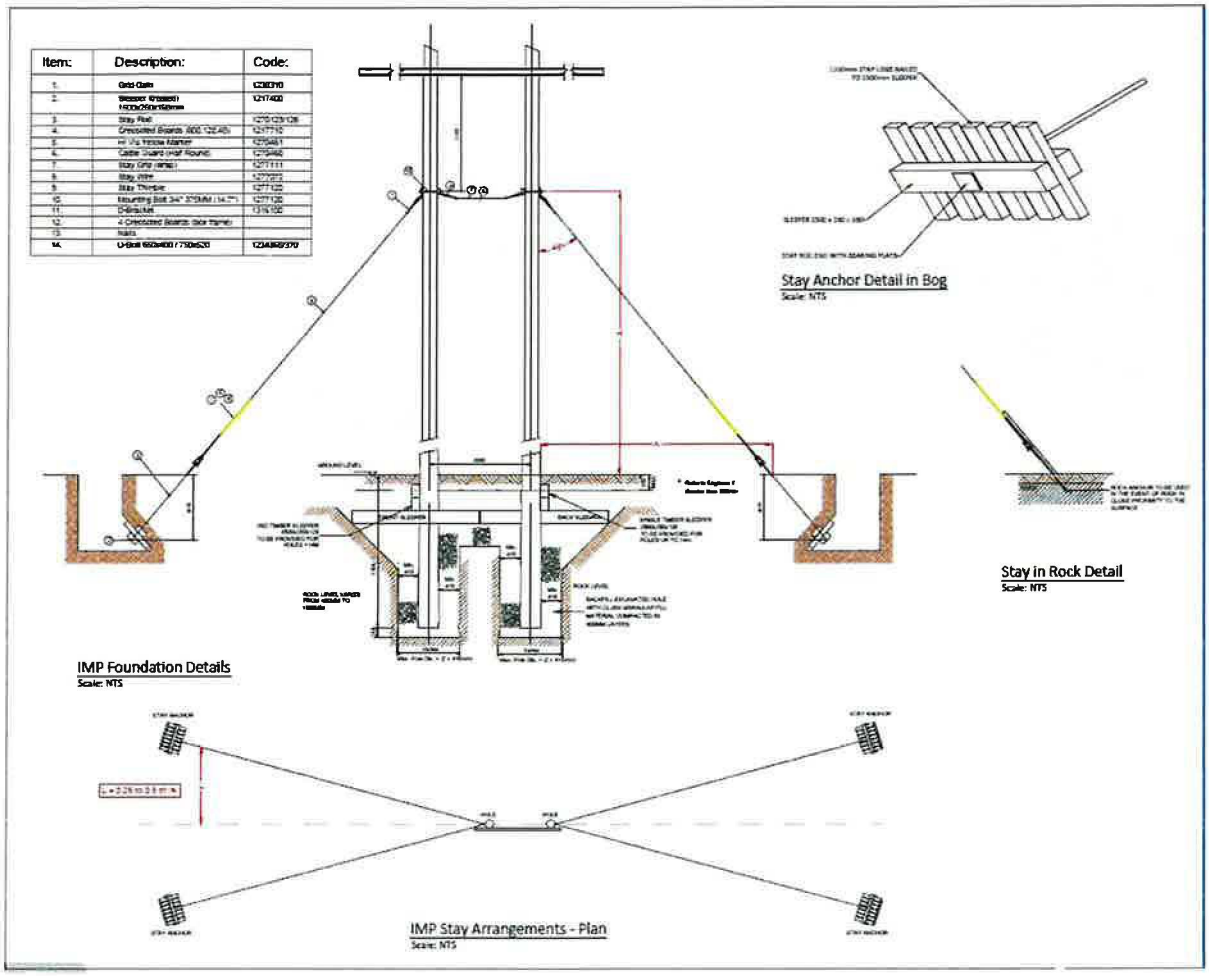


Figure 11: Typical double pole (portal) foundation type

In very poor ground conditions, a raft style foundation may be required. This involves sheet piling around pole base before excavation. Soil is removed and concrete base poured in situ. Vertical reinforced concrete rings are then poured. Once complete poles are lifted in to place with a suitable 360 excavator and rings filled with stone. Excavated soil will be re-used to fill foundation. See Figure 12 below showing raft foundation during construction.

Figure 12: Raft foundation in poor ground conditions

Construction equipment required for standard foundation:

- 360˚ tracked excavator.
- Winch Tractor/Pole erector.
- Van.
- Chains / hand tools.

The average duration of pole set installation works is as follows:

- Pole set 3 per day.
- Crew size 3 workers.

Additional Construction equipment required for foundation in bog/peat:

- 6 tonne dumper.
- Water pump / generator.
- Sheet Piles.

5.3 Stringing of Overhead Lines (as previously set out for the Consented Grid Route)

Stringing of overhead lines refers to the installation of transmission lines on the supporting pole structures. The transmission line is kept clear of all obstacles along the straight by applying sufficient tension. This method requires the pulling of a light pilot line (nylon rope) which is normally carried by hand into the stringing wheels. This in turn is used to pull a heavier pilot line (Steel rope) which is subsequently used to pull the conductors from the drum stands using specifically designed "puller – tensioner" machines, see Figure 13. The main advantages with this method are:

- the transmission line is protected from surface damage.
- major obstacles such as road and rail crossings can be completed without any significant disruption

Figure 13: Puller – Tensioner Machine

Once the conductor has been pulled into position, one end of the straight is terminated on the appropriate tension fittings and insulator assemblies. The free end of the straight is then placed in temporary clamps which take the conductor tension. The conductor is then cut from the puller-tensioner and the conductor is sagged using a chain hoist. Bird flight diverters or warning spheres can be added following the sagging procedure if required.

Construction Equipment Required

- 4x4 vehicles
- Puller - tensioner
- Teleporter X 2
- Drum stands X 2.
- Drum carriers X 2
- Stringing wheels
- Conductor drums
- Compression tools
- Vans
- Chains/Hand tools

5.4 Duration of Stringing Works (as previously set out for the Consented Grid Route)

The average duration of stringing works is typically 1 week per straight section of OHL. This figure is similar for all straight sections regardless of length as the most time-consuming aspect is the movement and setup of stringing equipment. Stringing crews are typically quite large and could have as many as 15 no. workers. This is to cater for guarding crossings, monitoring stringing at different locations and checking sag values at various locations along the section.

6.0 Access Routes to Work Area

The overhead line will be installed within private agricultural land, contractors will be required to utilise private farm tracks and access points as required. Each landowner along the OHL route has consented to the use of their lands for the purposes of constructing and operating the Overall Grid Connection. A map with preferred access routes to poles will be recorded in the CEMP and prior to the commencement of development, precise access arrangements will be agreed with the respective landowners.

A detailed Traffic Management Plan will be prepared, and agreed with Clare County Council, prior to the commencement of construction. Stop/Go will be required at road crossing locations for a short duration while stringing conductors. If road closures are necessary, a suitable diversion will be implemented using appropriate signage, following consultation with Clare County Council.

Temporary access roads on private land (if required due to ground conditions and/or landowner requirements) will consist of timber or aluminium bog mats (Image 13) to spread the weight of machinery over a greater area to prevent damage to the ground. If necessary, a low ground pressure excavator may also be utilised. This machine is designed to spread its weight across a wider area thereby reducing the pressure exerted on the ground. No invasive works will be undertaken when placing the matting. Upon completion of the works, all mats will be removed immediately. Access routes will be carefully selected to avoid any damage to land. Local consultation will be carried out with all relevant landowners to ensure that any potential disturbance will be minimised. Prior to the commencement of construction, the contractor will assess all access routes and determine the requirement for bog mats. Any such requirements will be incorporated into the relevant method statement.

Figure 14: Temporary Aluminium Panel Tracks

7.0 Traffic Management (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

Traffic management and road signage will be in accordance with the Department of Transport: Traffic Signs Manual - Chapter 8: Temporary Traffic Measures and Signs for Road Works and in agreement with Clare County Council.

The public road will be checked regularly and maintained free of mud and debris. Road sweeping will be carried out as appropriate to ensure construction traffic does not adversely affect the local road condition.

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

8.0 Road Opening Licence (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

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

9.0 Relocation of Existing Services (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

To facilitate the installation of the Consented Grid Route, it may be necessary to relocate existing overhead cables to underground. In advance of any construction activity, the contractor will undertake additional surveys of the proposed route to confirm the presence or otherwise of any services. If found to be present,

the relevant service provider will be consulted with to determine the requirement for specific excavation or relocation methods and to schedule a suitable time to carry out works.

To facilitate the installation of the Proposed/Amended Grid route, it may be necessary to relocate existing underground services to an area in close proximity to their existing location. The contractor will undertake additional surveys of the proposed route to confirm the presence or otherwise of any services. If services are found to be present, the relevant service provider will be consulted with to determine the requirement for specific excavation or relocation methods and to schedule a suitable time to carry out works.

10.0 Reinstatement of Private Land (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

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

11.0 Implementation of Environmental Protection Measures (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

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

12.0 Invasive Species Best Practice Measures (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

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

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

13.0 Waste Management (as previously set out for the Consented Grid Route and to apply to the Proposed/Amended Grid Route)

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

APPENDIX D: SCREENING FOR APPROPRIATE ASSESSMENT

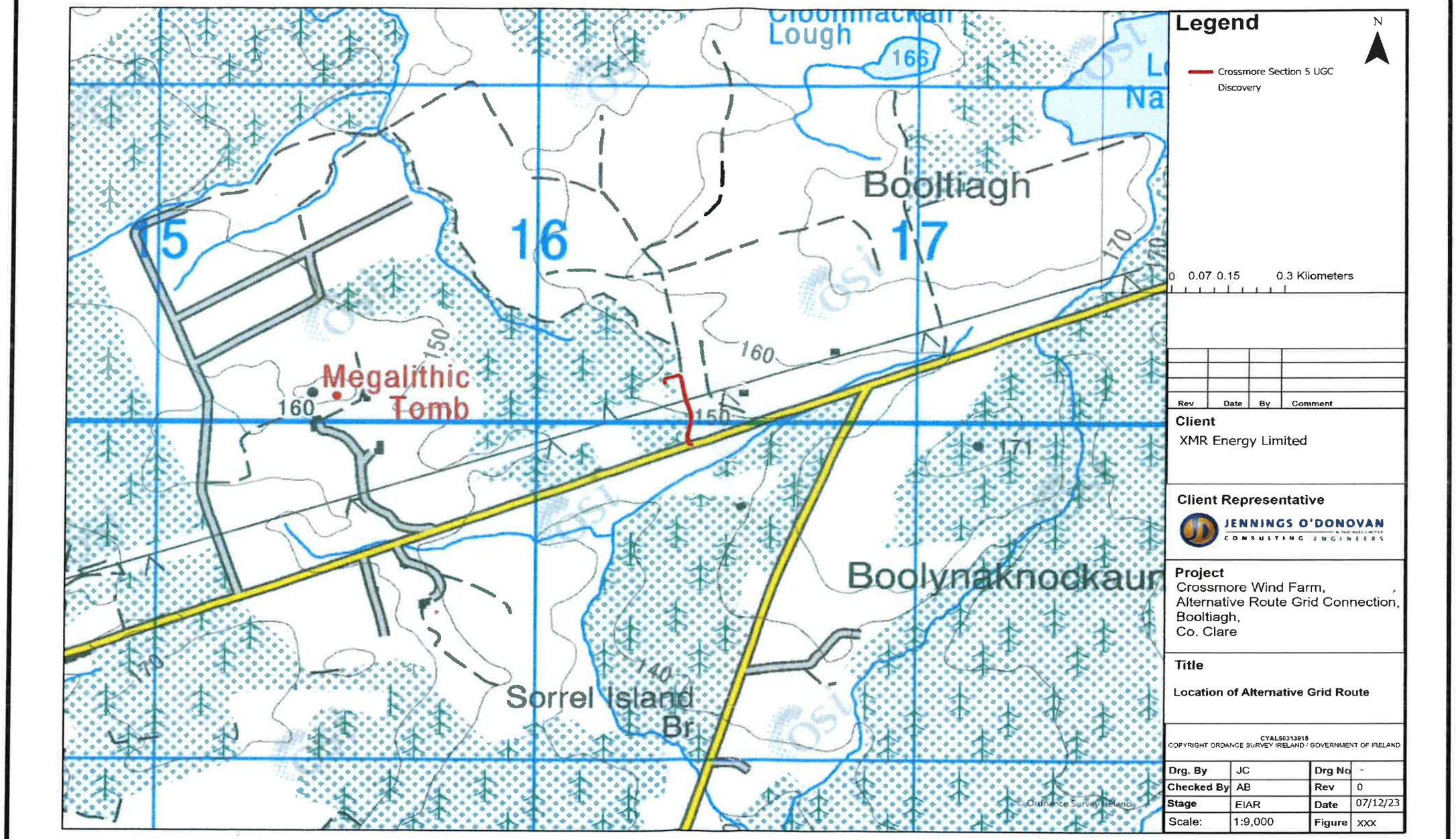


Figure 2.2: General location of the Project (Orthographic)

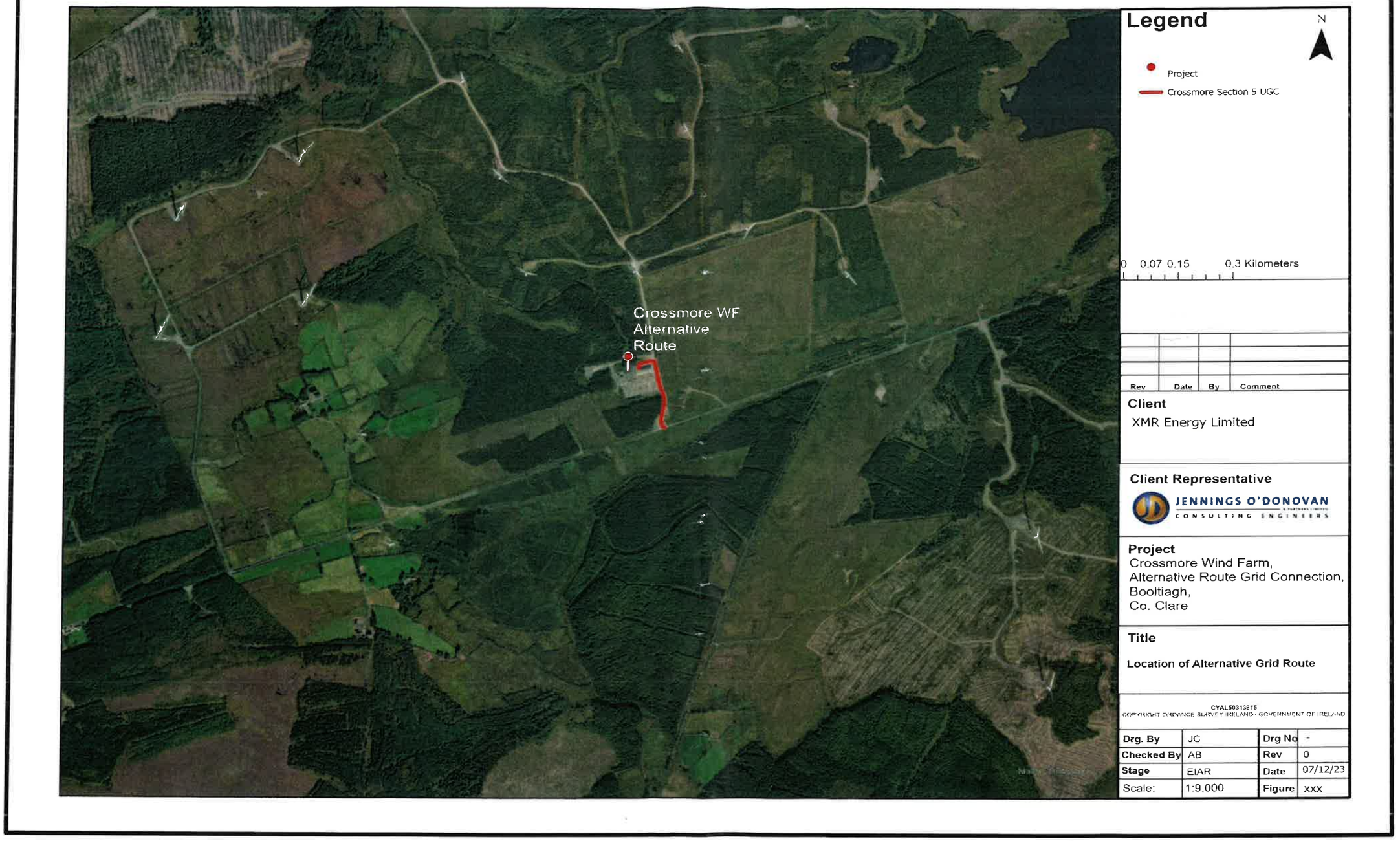
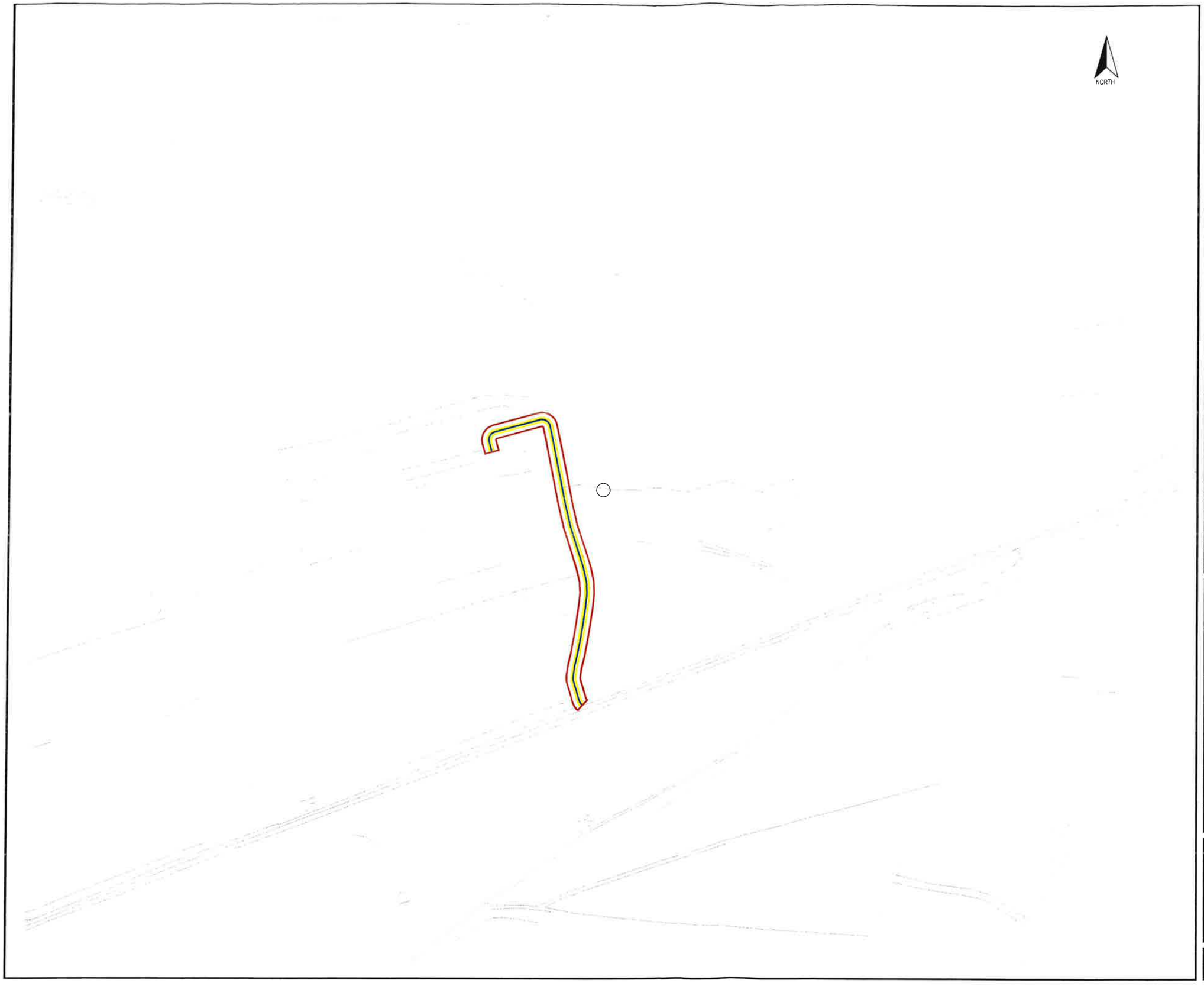


Figure 2.1: General location of the Project (Satellite)



NOTES:
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
3. ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES.
4. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.

ITM CENTRE PT. CO-ORDS

E 516388m, N 670132m

MAP SHEETS

Digital Map 4434
Published Scale: 1:5,000

Legend:

Proposed Underground Cable Route Length 266m

Site Location

Tailte Éireann — Clárúchán, Luacháil, Suirbhéireacht, Registration, Valuation, Surveying

rev.	modifications	by	date

Client
XMR ENERGY Ltd.

Project
CROSSMORE WIND FARM
KNOCKALOUGH, COUNTY CLARE.

Stage
PLANNING

Title
SECTION 5 APPLICATION:
GRID CONNECTION INTO
BOOLTIAGH SUBSTATION

Scales
1:2500

Surveyed	Prepared By	Checked	Date
	A McC.	B.C.	12-Dec-2023

Job No.	Drawing no.	Revision
6148	PL-S5-001	

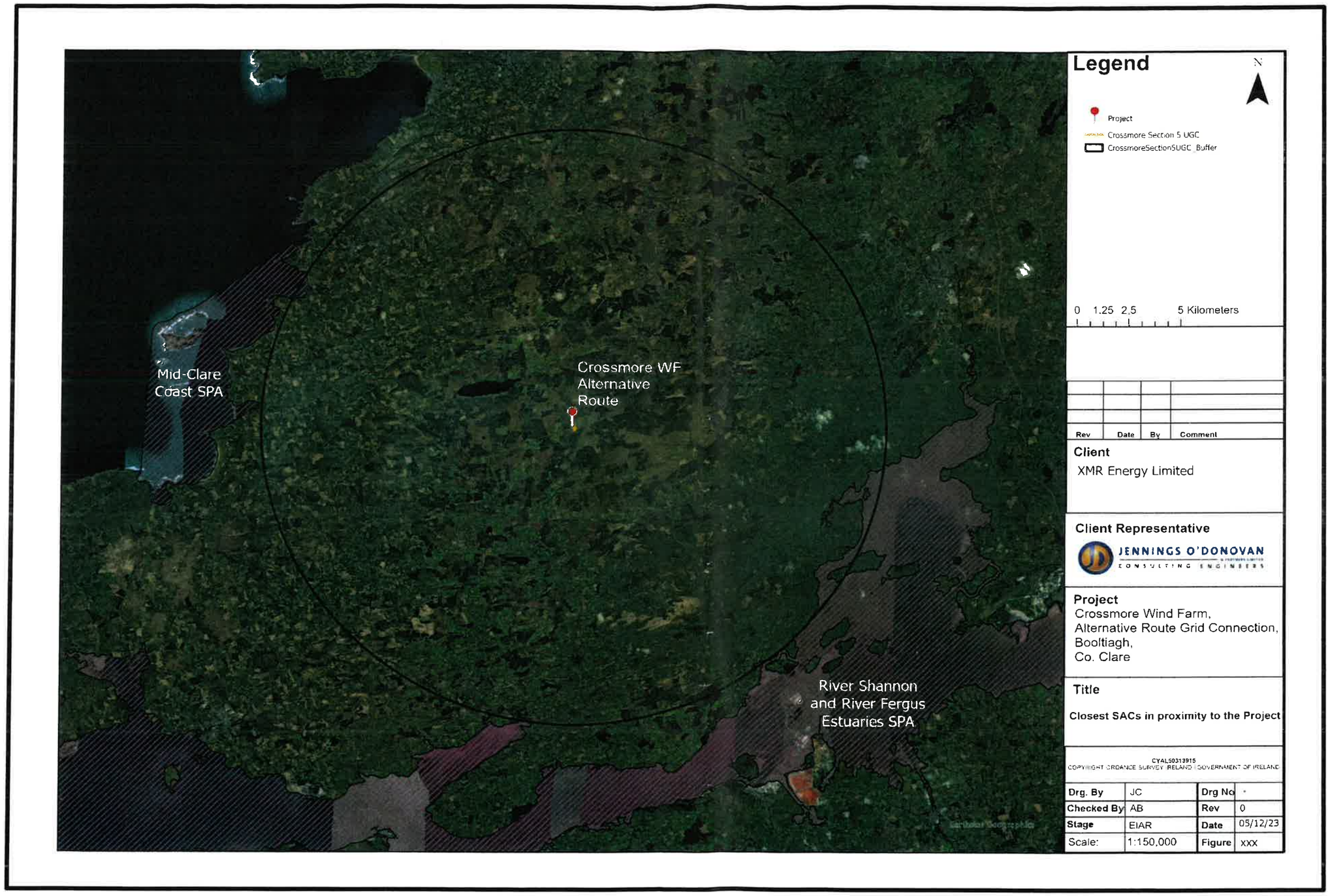


Figure 4.2: Project site showing the closest European SPA Sites

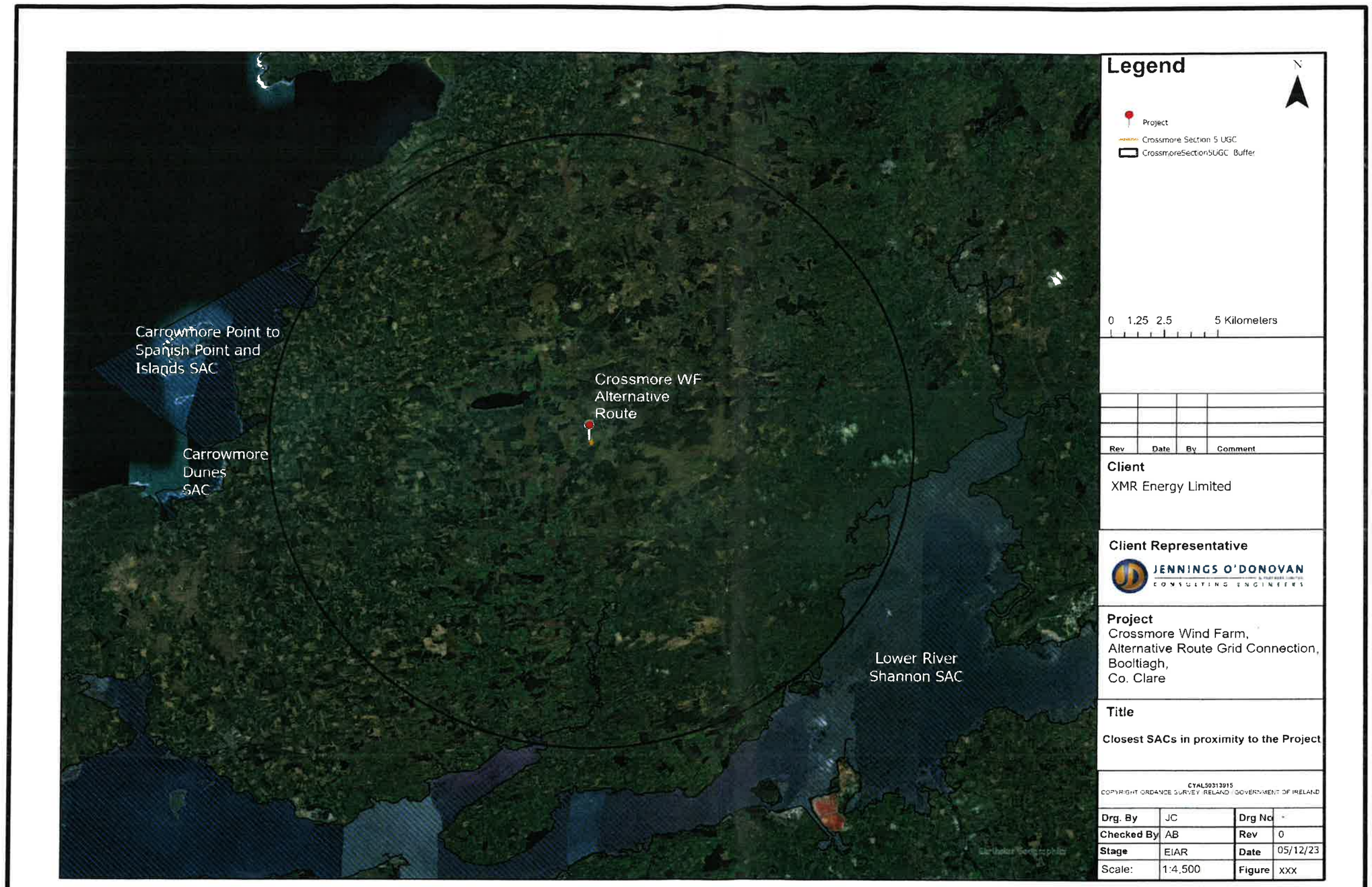


Figure 4.1: Project site showing the closest European SAC Sites

Figure 3.2: Watercourses and waterbodies in the vicinity of the Project