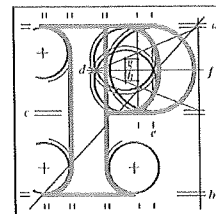


Our Case Number: ABP-309119-21



An  
Bord  
Pleanála

Chief Executive Officer  
Monaghan County Council  
Council Offices  
No.1 Dublin Street  
Monaghan  
Co. Monaghan

Date: 05 NOV 2021

Re: 110kV loop-in/loop-out substation including substation compound, associated electrical plant and apparatus  
Drumanan and Cornawall, Newbliss, County Monaghan

Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000 the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

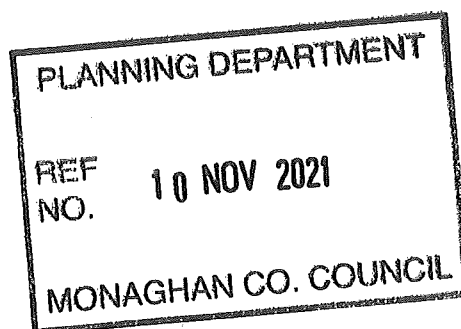
Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

*Sarah Caulfield*

Sarah Caulfield  
Executive Officer  
Direct Line: 01-8737287

VA18



Teil	Tel	(01) 858 8100
Glaio Áitiúil	LoCall	1890 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	<a href="http://www.pleanala.ie">www.pleanala.ie</a>
Ríomhphost	Email	<a href="mailto:bord@pleanala.ie">bord@pleanala.ie</a>

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

**Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Acts (as amended).**

A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50, 50A and 50B of the Planning and Development Act 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006, as amended/substituted by sections 32 and 33 of the Planning and Development (Amendment) Act 2010 and as amended by sections 20 and 21 of the Environment (Miscellaneous Provisions) Act 2011) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(7) of the Planning and Development Act 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed and that the applicant has a sufficient interest in the matter which is the subject of the application or in cases involving environmental impact assessment is a body complying with specified criteria.

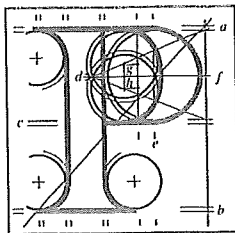
Section 50B contains provisions in relation to the cost of judicial review proceedings in the High Court relating to specified types of development (including proceedings relating to decisions or actions pursuant to a law of the state that gives effect to the public participation and access to justice provisions of Council Directive 85/337/EEC i.e. the EIA Directive and to the provisions of Directive 2001/12/EC i.e. Directive on the assessment of the effects on the environment of certain plans and programmes). The general provision contained in section 50B is that in such cases each party shall bear its own costs. The Court however may award costs against any party in specified circumstances. There is also provision for the Court to award the costs of proceedings or a portion of such costs to an applicant against a respondent or notice party where relief is obtained to the extent that the action or omission of the respondent or notice party contributed to the relief being obtained.

General information on judicial review procedures is contained on the following website,  
[www.citizensinformation.ie](http://www.citizensinformation.ie).

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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D01 V902	D01 V902



An  
Bord  
Pleanála

**Board Order**  
**ABP-309119-21**

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## **Planning and Development Acts, 2000 to 2020**

### **Planning Authority: Monaghan County Council**

**Application** for approval under section 182A(1) of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an Environmental Impact Assessment Report and Natura Impact Statement, lodged with An Bord Pleanála on the 8<sup>th</sup> day of January, 2021 by Drumlins Park Limited care of Galetech Energy Services of Stradone, County Cavan.

#### **Proposed Development:**

Approval for a period of ten years comprising of the following:

- (i) A 110 kilovolt (kV) 'loop-in/loop-out' Air-Insulated Switchgear (AIS) electrical substation, including 2 number single-storey control buildings (with a gross floor area of 623 square metres); 1 number transformer bay; 2 number line bays; and all associated electrical equipment, services and lighting within an up to 2.95-metre-high fenced compound (with a total footprint of 12,765 square metres),
- (ii) An Electricity Storage System comprising containerised energy storage modules; transformer and inverter modules; heating, ventilation and air condition units; and associated underground electricity cabling,
- (iii) Approximately 300 metres of on-site access tracks with associated site entrances from local public road (LT62013),
- (iv) Approximately 700 metres of 110kV underground electricity lines and communication cabling and all associated infrastructure,

- (v) Replacement of 1 number existing wooden pole-set with 2 number lattice-type end masts, to a maximum height of up to 16 metres, to facilitate connection of the proposed 110kV underground electricity lines to the existing Lisdrum-Shankill 110kV overhead electricity transmission line, and
- (vi) All associated and ancillary site development, excavation, construction, landscaping and reinstatement works, including upgrade works to the LT62013 and the provision of site drainage infrastructure and surface water protection measures.

The site of the proposed development has a total area of circa 7.8 hectares. The proposed development will facilitate the export of renewable energy generated at the permitted 'Drumlins Park Wind Farm' (Monaghan County Council Planning Register Reference 19/486) to the national electricity grid. The proposed development will be located in the townlands of Drumanan and Cornawall, Newbliss, Co. Monaghan.

## **Decision**

**APPROVE** the proposed development under section 182A of the Planning and Development Act, 2000, as amended, in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

**DETERMINE** under section 182B, as amended, the sum to be paid by the undertaker in respect of costs associated with the application as set out in the Schedule of Costs below.

## **Matters Considered**

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

## Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the National Planning Framework – Ireland 2040,
- (b) the Regional Spatial and Economic Strategy for the Northern and Western Region, 2020,
- (c) the policies of the planning authority as set out in the Monaghan County Development Plan 2019 - 2025,
- (d) the distance to dwellings or other sensitive receptors,
- (e) the submissions made in connection with the application,
- (f) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites, and
- (g) the report and recommendation of the Inspector.

### Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the Appropriate Assessment, the Board accepted and adopted the assessment and conclusion carried out in the Inspector's report in respect of the identification of the four European Sites, namely, the Upper Lough Erne Special Area of Conservation (Site Code: UK0016614), the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code: 000007), the Upper Lough Erne Special Protection Area (Site Code: UK9020071), and the Lough Oughter Complex Special Protection Area (Site Code: 004049) which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European Sites in view of the Sites' Conservation Objectives. The Board was satisfied that the

proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any European Sites, in view of the Sites' Conservation Objectives.

### **Environmental Impact Assessment**

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development on a site,
- (b) the Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) the submissions received from the prescribed bodies and planning authority, and
- (d) the Inspector's report.

The Board considered that the EIAR, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the EIAR and associated documentation submitted by the applicant and submissions made in the course of the application. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters during the construction phase which would be mitigated by the implementation of measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to groundwater, surface water and drainage.
- Noise, vibration, and dust during the construction and/or the operational phases would be mitigated by the implementation of the measures set out in the EIAR

and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control of dust and noise.

- The increase in vehicle movements and resulting traffic during the construction and operational phases would be mitigated by the implementation of the measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP).
- The impacts on residential amenity during the construction and operational phases would be mitigated by the implementation of the measures set out in the EIAR and the outline Construction and Environment Management Plan (oCEMP) which include specific provisions relating to the control and management of dust, noise, water quality and traffic movement.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself or in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

### **Proper Planning and Sustainable Development**

It is considered that, subject to compliance with the conditions set out below, the proposed development would accord with European, national, regional, and local planning and related policy, would not have an unacceptable impact on the landscape or ecology, would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions

require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures identified in the EIAR, NIS and other plans and particulars submitted with the planning application, including the applicant's response submission to the concerns raised by the observers shall be implemented in full by the developer, except as may otherwise be required in order to comply with the conditions of this permission.

**Reason:** In the interests of clarity and the protection of the environment during the construction and operational phases of the proposed development.

3. The developer shall comply with the following general requirements:
  - (a) No artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.
  - (b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road.
  - (c) Each fencing panel shall be erected such that for a minimum of 300 millimetres of its length, its bottom edge is no less than 150 millimetres from ground level.
  - (d) Cables within the site shall be located underground.

**Reason:** In the interests of clarity and of visual and residential amenity, to allow wildlife to continue to have access to and through the site, and to minimise impacts on drainage patterns and surface water quality.

4. The developer shall comply with the following nature conservation requirements:



- (a) No felling or vegetation removal shall take place during the period 1st of March to the 31st August.
- (b) A pre-construction mammal survey shall be carried out by a suitably qualified ecologist to check for the presence of any protected species (including otter, birds, bats and common frog).
- (c) Any destruction of bat roosting sites or relocation of bat species shall be carried out by a suitably qualified ecologist under a Derogation Licence granted by the Minister for Housing, Local Government and Heritage.

**Reason:** In the interests of biodiversity and nature conservation.

- 5. The landscaping proposals shall be carried out within the first planting season following commencement of construction of the proposed development. All existing hedgerows (except at access track openings) shall be retained. The landscaping and screening shall be maintained at regular intervals. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

**Reason:** To assist in screening the proposed development from view and to blend it into its surroundings in the interest of visual amenity.

- 6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of Irish Water and the planning authority for such works and services as appropriate.

**Reason:** In the interest of public health and to ensure a proper standard of development.

- 7. The developer shall comply with the transportation requirements of the planning authority for such works and services as appropriate.

**Reason:** In the interests of traffic and pedestrian safety.

8. The developer shall comply with the following specific transportation requirements:
  - (a) Omit the western vehicular entrance off the local road to the battery storage compound and internal access track.
  - (b) Amend the layout of the westernmost internal access track to the substation compound to provide for two separate internal access points to the substation compound and adjacent battery storage compound.

Details shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interests of visual amenity, the protection of trees and hedgerows, and the proper planning and sustainable development of the area.

9. The construction of the development shall be managed in accordance with a final Construction and Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures, traffic management, protection of wayleaves, an invasive species management plan and off-site disposal of construction /demolition waste.

**Reason:** In the interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the residential amenities of property in the vicinity.

11. The site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried out on the adjoining public roads by the developer and at the developer's expense on a daily basis.

**Reason:** To protect the residential amenities of property in the vicinity.

12. The developer shall comply with the following archaeological requirements:

- (a) Pre-development archaeological testing shall be undertaken by a suitably qualified archaeologist, licensed under the National Monuments Acts 1930-2004. No sub-surface work shall be undertaken in the absence of the archaeologist without his/her written consent.
- (b) A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. A copy of the report shall be submitted to the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.
- (c) The planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs shall be notified in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

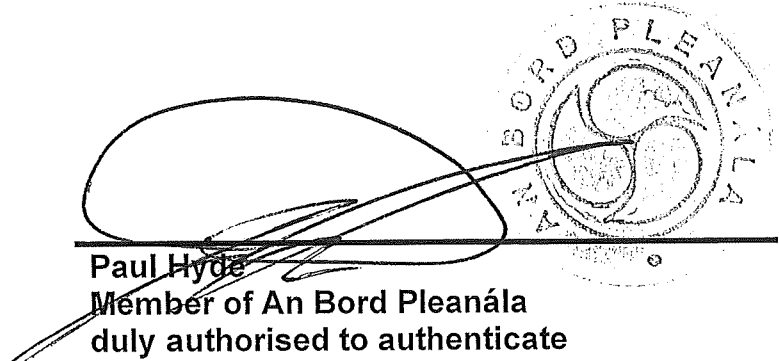
13. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of any part of the development.

**Reason:** To ensure the satisfactory completion of the development.

## Schedule of Costs

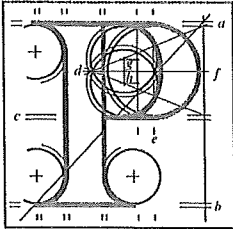
In accordance with the provisions of section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is €79,758.

A breakdown of the Board's costs is set out in the attached Appendix 1.



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

Dated this *6<sup>th</sup>* day of *November* 2021



An  
Bord  
Pleanála

Board Order –  
Appendix 1

ABP-309119-21

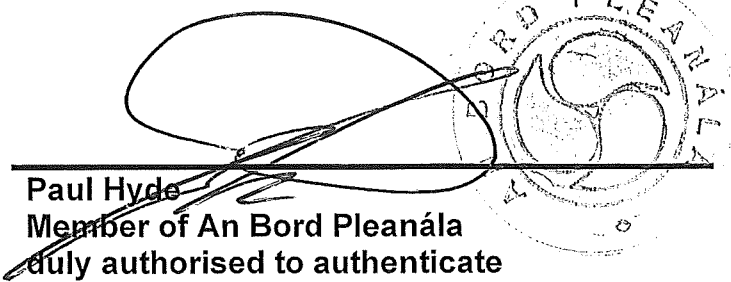
## Strategic Infrastructure Development

### Costs of determining the Application

Case Number: ABP-309119-21

**Proposed Development:** Construction of a 110kV substation and associated site development works in the townlands of Drumanan and Cornawall, County Monaghan.

Board Costs		
(1)	Cost (calculated based on Inspector's time) Inspector 1 (pre-application consultation) €1,482 Inspector 2 (application) €19,760	€21,242
(2)	Costs invoiced to Board	N/A
	<b>Total chargeable costs</b>	<b>€21,242</b>
Board Fees		
(3)	Application Fee - €100,000 Pre-application Consultation Fee- €1,000	€101,000
(4)	Observer fees paid	N/A
	<b>Total</b>	<b>€101,000</b>
	Net amount due to be refunded to applicant	<b>€79,758</b>

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

Dated this 4<sup>th</sup> day of November 2021