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Planning Services

RECEIVED DATE: 26/03/2025

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County House,  
The Diamond,  
Lifford,  
Co. Donegal,  
F93 Y622.**

**By post and email to: [info@donegalcoco.ie](mailto:info@donegalcoco.ie)**

26<sup>th</sup> March 2025

**Re: Section 5 referral in relation to Dungloe ESB 38 kV substation**

Dear Sir/Madam,

Please find attached a Section 5 referral in relation to Dungloe ESB 38 kV substation.

It is proposed to renew the electrical equipment in the substation with a fully containerised 38kV Gas Insulated Switchgear (GIS) substation at the current location and to remove redundant equipment. The renewal of the substation represents an investment of almost €5 million. It will provide a modern substation that can meet existing and future electricity demands in the area and will assist towards achieving ESBs Net Zero by 2040 [esb-net-zero-to-2040-strategy.pdf](#).

This submission includes the Donegal County Council Section 5 Referral Form and a detailed Exempted Development Screening Report (with an Appropriate Assessment Screening Report as an appendix).

This is being sent by email and by hard copy post. As there is no opportunity to pay through a portal and ESB do not issue cheques anymore I will call the planning office and pay by credit card.



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If you have any queries in relation to this submission please contact me on [REDACTED] or [REDACTED] and you can email any correspondence to myself.

Yours sincerely,

A handwritten signature in blue ink that reads 'Brendan Allen'.

---

**Brendan Allen**

**Planning Team Leader FIPI**



## SECTION 5 APPLICATION

FOR DECLARATION ON DEVELOPMENT AND EXEMPTED DEVELOPMENT


**Completed application form & supporting documentation to be returned to the Planning Authority by email to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)**

<b>Name of Applicant(s):</b>	
<b>Agent Name:</b> (if applicable)	
<b>Location of Proposed Development / Works:</b> (Townland or postal address as appropriate and Eircode if available)	
<b>Description of Proposed Development including details of works (where applicable):</b> (Only works listed below will be assessed under <u>this</u> section 5 application)	



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

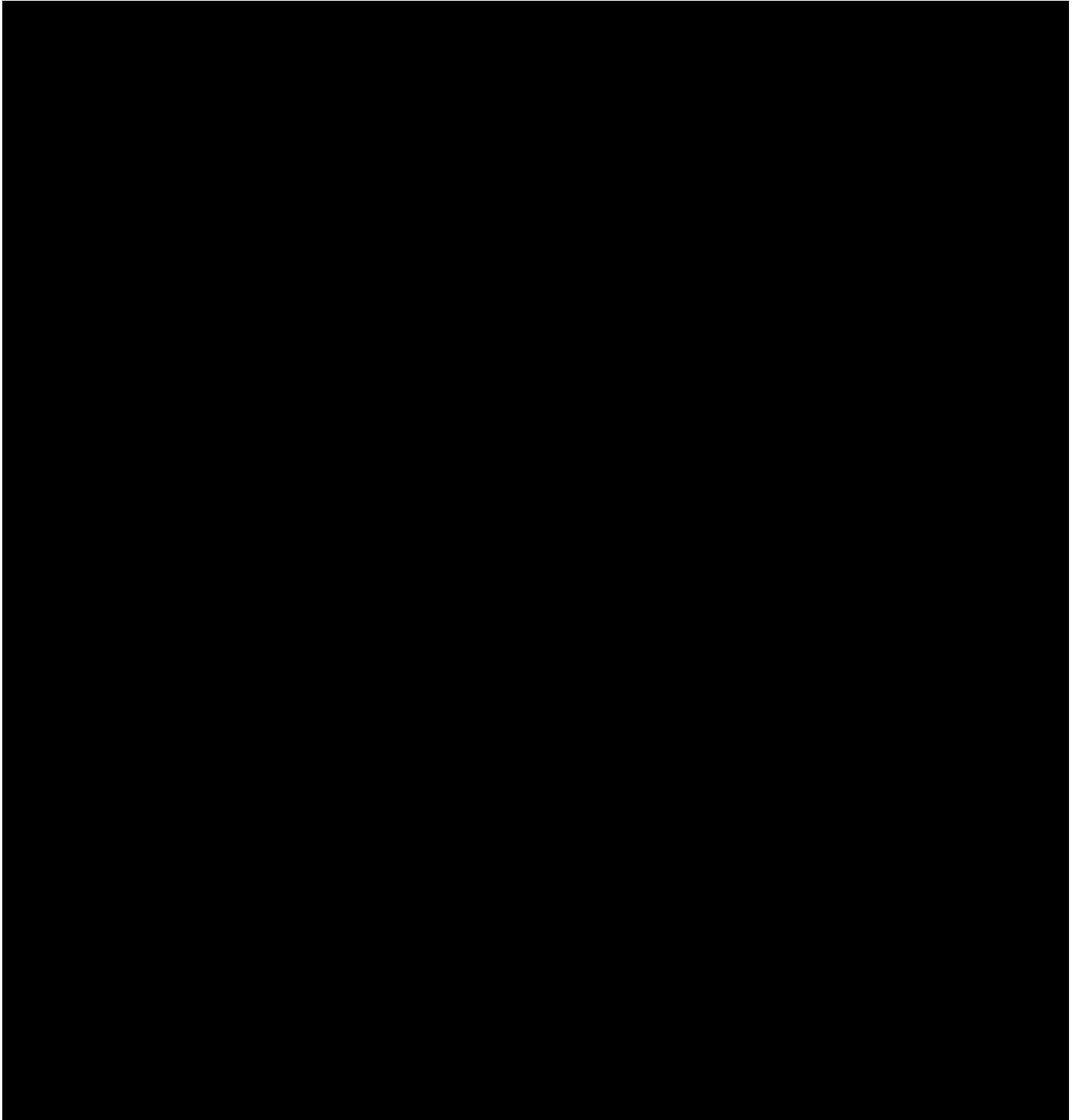
<b>Is the development a Protected Structure or within the curtilage of a Protected Structure?</b>	<b>Yes</b>	<b>No</b>
<b>Has a declaration under Section 57 of the Planning and Development Act 2000 (as amended) been requested or issued in respect of the property.</b>	<b>Yes</b>	<b>No</b>
<b>Applicant(s) Interest in the site:</b>		
<b>If not the Owner of the site, please provide the name of the Landowner:</b>		
<b>Please list types of plans, drawings etc. submitted with this application:</b>		
<b>Planning History</b> - list any relevant planning application reference numbers:		
<b>Are you aware of any enforcement proceedings connected to the site? If so, please supply details:</b>		

<b>I hereby certify that the information provided is true and accurate</b>	
<b>Signature of Applicant/Agent:</b>	
<b>Date:</b>	



**Comhairle Contae**  
**Dhún na nGall**  
Donegal County Council

## Additional Contact Information





**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

### **Advice to Applicant**

- (a) **Prescribed Fee** - €80.00 - You may wish to pay the fee by card by ringing the cash office on 074 9153900. Please note the receipt number in your cover email with the form.
- (b) Application must be accompanied by:
  - **Site location map** with site clearly outlined in red (to a scale of not less than 1:1000 in built up areas and 1:2500 in all other areas).
  - **Site layout plan** (Site or layout plans shall be drawn to a scale (which shall be indicated thereon) of not less than 1:500 or such other scale as may be agreed with the planning authority prior to the submission of the application, the site boundary shall be clearly delineated in red).
  - **Elevations** (if applicable) – (plans, elevations and sections drawn to a scale of not less than **1:200**).
  - **Other details** (e.g. landowner consent (if applicable), photographs as appropriate).
- (c) Completed application form & supporting documentation to be returned to the Planning Authority **by email** to [planning@donegalcoco.ie](mailto:planning@donegalcoco.ie)
- (d) More information on exempted development can be found on the OPR planning leaflets available at <https://www.opr.ie/planning-leaflets/>



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RECEIVED DATE: 26/03/2025

# Dungloe 38 kV Substation Renewal Works

ESB Networks

## Exempted Development Screening Report

Date: March 2025

Engineering and Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin,  
K67 XF72, Ireland.

**Phone** +353 (0)1 703 8000

**www.esb.ie**

<b>File Reference:</b>	N:\F012 Planning Team Ex Devt Registry\Substation - new development\Dungloe 38kV substation	
<b>Client Recipient:</b>	/ ESB Networks	
<b>Project Title:</b>	Dungloe 38 kV Substation Renewal Works	
<b>Report Title:</b>	Exempted Development Screening Report	
<b>Report No.:</b>		
<b>Revision No.:</b>	Rev 0	
<b>Prepared by:</b>	Brendan Allen	Date: 25/03/2025
<b>Title:</b>	Planning Team Leader	
<b>Verified by:</b>		
<b>Title:</b>		
<b>Approved by:</b>	Heather McMeel	Date: 26/03/2025
<b>Title:</b>	Senior Planner	

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**Template Used:** T-020-017-Engineering and Major Projects Report Template



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Appendix 1 – Appropriate Assessment Screening Report

Map 1 - Proposed Site Layout and Demolitions – Drawing 25364 ZZ ZZZ DR MWP CE  
0103

# 1 Introduction

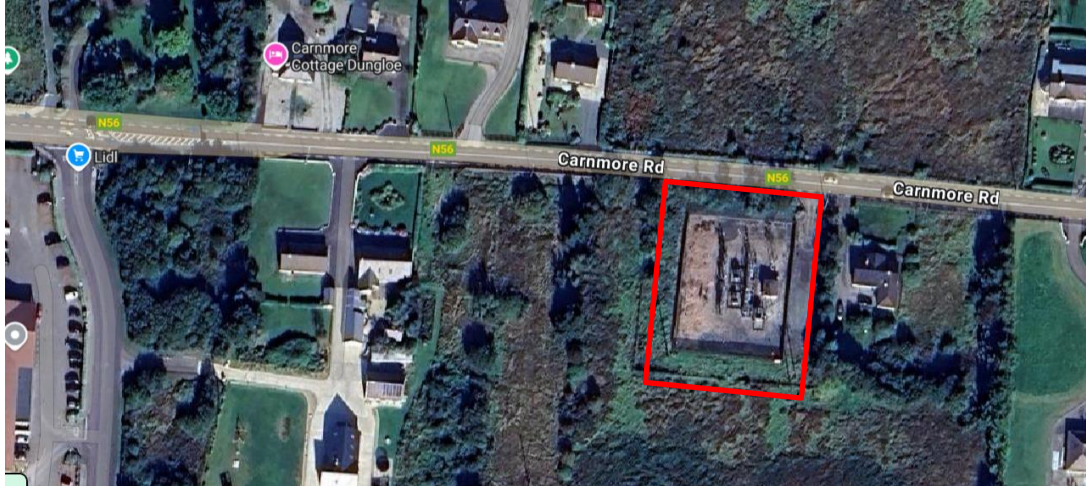
This Exempted Development Screening Report (EDSR) has been carried out to confirm that the proposed renewal works at Dungloe 38 kV substation fall within the exempted development provisions of the Planning and Development Act 2000, as amended, and the associated Planning and Development Regulations 2001, as amended.

This report, which has been prepared by the ESB Engineering and Major Projects Planning Team, has been prepared for submission to Donegal County Council (DCC) to support a request for a Section 5 declaration that the proposed renewal works fall within the exempted development provisions.

## 2 The Existing Site and Proposed Development

### 2.1 The Existing Substation

Dungloe 38 kV substation is a long established electricity distribution substation located just off the N56 on the approach into Dungloe Town – see **Figure 2.1 Dungloe Substation Site Location**.



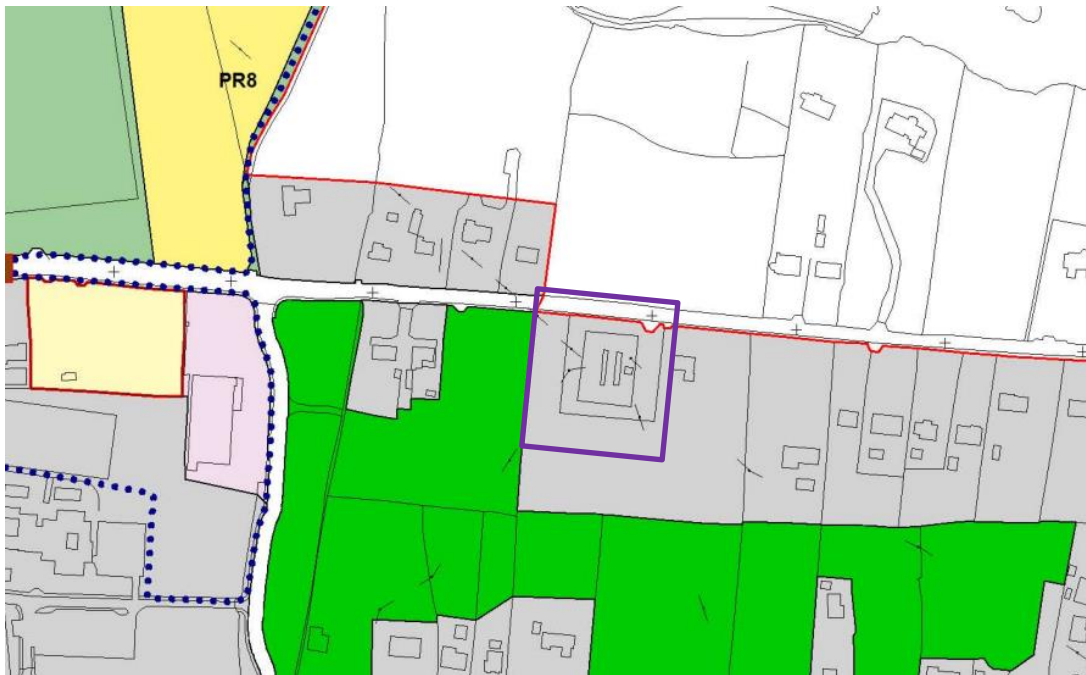
**Figure 2.1 Dungloe Substation Site Location**

The surrounding lands are a mixture of agricultural lands, scrub land and low density residential development. There is a dwelling immediately to the east of the substation. The substation compound is surrounded by reasonably mature screening on all sides – see **Figure 2.2 Dungloe Substation Streetview**.



**Figure 2.2 Dungloe Substation Streetview**

The substation is identified in the County Development Map 2 Land Use Zoning Map and is zoned as “established development”, as is the adjacent dwelling.



**Seven Strategic Towns Local Area Plan (An Clochán Liath - Dungloe) 2018-2024**  
**Phlean Limistéir Áitiúil na Seacht mBaile Straitéiseacha (An Clochán Liath) 2018-2024**  
**Map No 2: Land Use Zoning Map (An Clochán Liath - Dungloe)**  
**Léarscail Uimh. 2: léarscail i dtaca le Criosú Úsáide Talún (An Clochán Liath)**

The existing substation site is characteristic of a site used for the distribution of electricity. As such it is a quasi-industrial site, characterised by areas of outdoor equipment, control buildings, open areas, etc. with surrounding planting, as apparent from the aerial photo.

The site is accessed by means of a gateway from the N56 into the substation. This gateway is secured, ensuring the site can only be accessed by authorised personnel involved in substation operations or the carrying out of routine maintenance works.

Dungloe 38kV Substation was built in the mid 1960's using wood pole uprights to support both the 38kV and 10kV busbars. These wood poles are now circa 60 years old and are deteriorating rapidly and present a significant risk of failure and consequential loss. ESB Networks have a policy of replacing wood poles on the overhead line networks that are between 50 – 60 years.

Furthermore, ESB Network planners have forecast growing electrical load demand in the Dungloe area and as part of this project, additional transformer capacity is being installed to provide additional electrical capacity for the local community.

The existing substation is an Air Insulated Switchgear (AIS) substation, therefore the majority of the electrical equipment is outdoors. Within the site there are a number of structures, as shown on the Figure 2.1. The largest building, located to the east of the compound is the control building. This single storey building houses all the electrical equipment required to control electrical operations of the substation, as well as welfare facilities and other ancillary facilities.

Condition report summary for Dungloe:

- The existing control room in Dungloe 38kV station measures 2.7m x 2.7m and is in very poor condition and in need of significant repair.
- Wood pole busbar supports have exceeded their service life.
- Significant risk of failure of one or more wood poles and consequential loss of busbar and station.
- Age related equipment problems including requirement to carry out significant asset replacement of protection etc.
- The station cannot be converted to 20kV operation in its current situation. 20kV operation is ESB policy/best practice for the efficient operation of customer distribution networks from rural substations.

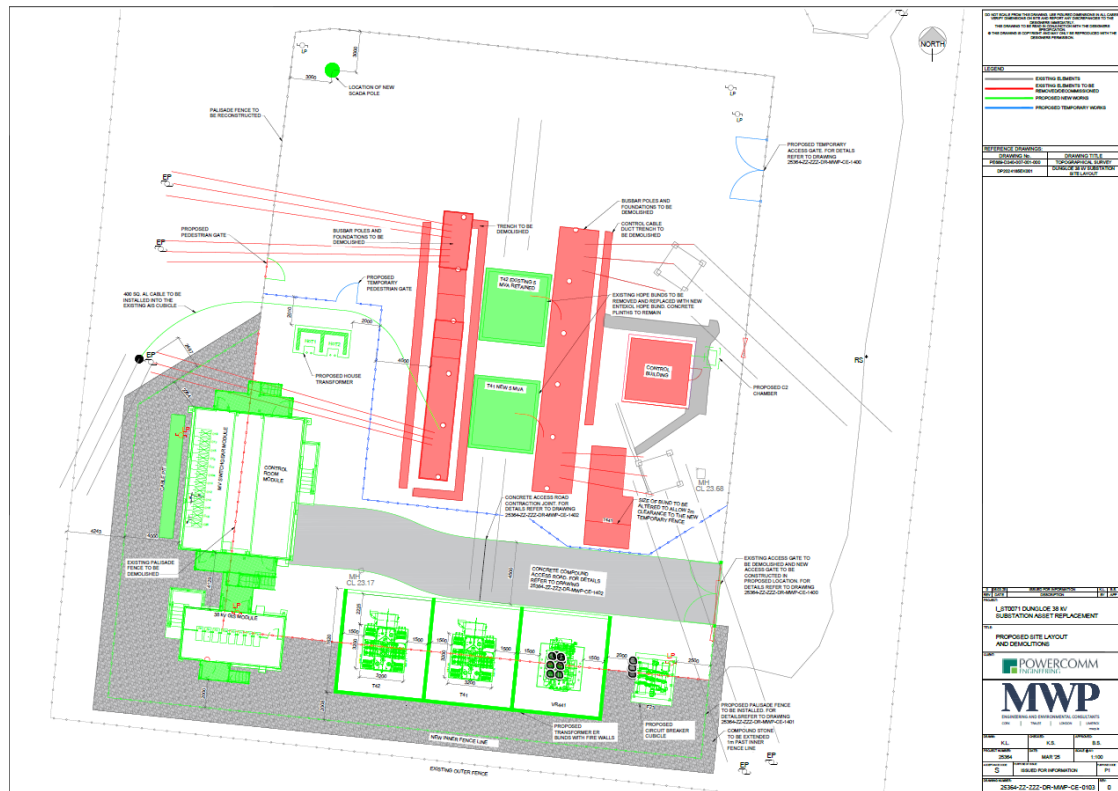
## 2.2 The Proposed Renewal of the Substation

It is proposed to construct a new fully containerised 38kV Gas Insulated Switchgear (GIS) substation at the current location. The renewal of the substation represents an investment of almost €5 million. It will provide a modern substation that can meet existing and future electricity demands in the area and will assist towards achieving ESB's Net Zero by 2040 [esb-net-zero-to-2040-strategy.pdf](#).

The technical details associated with the renewal are as follows - **see Figure 2.3 Proposed Layout:**

- Standard 38kV GIS 7 bay module 1250A busbar.
- 38kV transformers/boosters.
- Standard 11 bay MV GIS module 1250A busbar.
- The prefabricated MV switchroom module is rated for 24kV & 1250A busbar and consists of protection suitable for both 10kV and 20 kV. The MV busbar will be operated at 10kV.
- Standard Control Room Module.
- 38kV AIS OD Cubicle on the Glenties side of T441 38kV booster.
- Civil works to accommodate the above.
- Retire the existing outdoor busbar structures, the associated switchgear and the control room.





### Figure 2.3 Proposed Layout

Figure 2.3 shows that the existing features shown in red will be removed and the features shown in green will replace them. The photos below show the decommissioned equipment that will be removed and the modular equipment that will replace it – the figure is also attached at A3 size as **Drawing 1 - Drawing 25364 ZZ ZZZ DR MWP CE 0103**.



### Photo 1 Equipment to be Removed



**Photo 2 Prefabricated Modules to be Installed (photo from a similar 38 kV substation)**

Due to the need to maintain the operation of the substation during its renewal, the new equipment will be constructed “off-line” towards the western and southern boundaries.

When all the circuits have been transferred to the new GIS modules the old equipment will be removed.

As part of the renewal, ESB Networks propose to supplement the screen planting at the eastern boundary having regard to the proximity of the neighbouring dwelling.

In summary, the substation will change from an old AIS substation where the majority of equipment is outdoor, to a modern GIS substation where the majority of electrical equipment is indoors. Certain equipment such as transformers must always remain outdoors.

## 3 Planning Status of the Proposed Works

### 3.1 Legislative Provisions in relation to Exempted Development

#### 3.1.1 Statutory Undertakers

**Section 2 (1) of the Planning and Development Act** (the Act), as amended, states:

*‘In this Act, except where the context otherwise requires –*

*‘statutory undertaker’ means a person, for the time being, authorised by or under any enactment or instrument under an enactment to –*

*(b) provide or carry out works for the provisions of, gas, electricity or telecommunications services, or*

*(c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.’*

#### 3.1.2 ‘Development’

**Section 3 (1)**, of the Act states:

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

The Act defines a **structure** as ‘any building, structure, excavation or other thing constructed or made on, in or under any land, or any part of a structure so defined...’ and **works** as ‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal....’

#### 3.1.3 Exempted Development

Provision is made under **Section 4** of the Act for specific works to be exempted from the requirement for planning permission. Specifically:

- **Section 4 (1)(g)** indicates that the following is exempted development:-

*Development consisting of the carrying out by any local authority or statutory undertaker of any works for the provision of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires or other apparatus, including the excavation of any street or other land for that purpose.*

- **Section 4 (1)(h)** indicates that the following is exempted development:-

*Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

Additional provision is made under Section 4(2) for the specification of exempted development works by Regulations. The relevant Regulations are the planning and Development Regulations, 2001 (as amended). Under those Regulations, Schedule 2, Part



1 Exempted Development – Development by statutory undertakers, Classes 26, 27, 28, 29 and 29A refer to electricity service and electricity undertaking, as summarised on Table 1 below.

**Table 1            Relevant Provisions for Exempted Development as set out in the Planning and Development Regulations, 2001 (as amended)**

<b>Class 26</b>	The carrying out by any electricity undertaking of development consisting of the laying underground of mains, pipes, cables or other apparatus for the purposes of the undertaking.
<b>Class 27</b>	The carrying out by any electricity undertaking of development consisting of the construction of over-head transmission or distribution lines for conducting electricity at a voltage not exceeding a nominal value of 20kV.
<b>Class 28</b>	The carrying out by any electricity undertaking of development for the purposes of the undertaking consisting of the construction or erection of an overhead transmission line not more than 40 metres from a position in respect of which permission for such line was granted and which otherwise complies with such permission, but not a line in respect of which a condition attached to the relevant permission imposed a contrary requirement.
<b>Class 29</b>	The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation for the distribution of electricity at a voltage not exceeding a nominal value of 20kV
<b>Class 29A</b>	The carrying out by any electricity undertaking of development consisting of the construction or erection of a charging point for electric vehicles.

Limitations apply to exempted development under both the Act and Regulations. Under the Act, development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required. Under the Regulations, more extensive limitations are set out in Article 9.

## 3.2 Characteristics of the Proposed Development

The proposed development works are being carried out in order to renew the substation with modern equipment to meet current standards and to cater for existing and future electrical demands in the area as described in Section 2 of this report.

Similar works are routinely carried out at locations throughout the country by ESB.

Key characteristics of the development are:

- There will be no material change in the function or form of the electrical substation. After the completion of the works, the site will still operate and function as an electrical substation.
- The function of the site will remain the distribution of electricity. The size and scale of the operation/activity will not change. There will be no additional land take or physical expansion of the site, nor will there be any increase in the intensity of activities – or any associated characteristics such as increased frequency of maintenance works.

- The proposed development works are located within the existing substation compound, directly associated with the established function of the site as a substation. This part of the site is a brownfield area that comprise made ground that was previously disturbed on a number of occasions to enable the development of the station and all associated activity including underground cabling.
- In the context of an established and operational substation site, the scale of the development is not material. The proposed modules will be small in scale and are located to the rear of the existing substation compound and will not be any more visible externally than the existing equipment.
- Outside the site, the material character of the substation is largely defined by the boundary treatment – noting the heavily screened edges are characteristic of those edges that are closer to the public road where adjacent dwellings are located. As such the proposed electrical works will not materially affect the external appearance of the substation as to render the appearance inconsistent with the character of the substation or neighbouring apparatus.
- In relation to the provisions set out under Sections 4(1)(g) and (4)(1)(h) of the Act, it is important to note that a substation such as this operates as a single piece of apparatus – though it comprises a large number of discrete items that work collectively as ‘a substation’. As such the ‘substation’ – as defined by its outer boundaries, is a singular planning unit and it is appropriate to consider any works required to ...*inspect, repair, renew, alter or remove*... may necessitate works to those discrete parts. There is no requirement that any such works would simply replace one part with an exact replica and – indeed given the use of the word ‘alter’ it is implicit under 4(1)(g) that such works may involve the introduction of new items of plant where there is overall no material change to the planning unit – the substation.
- Having regard to determinations for similar works from An Bord Pleanála and County Councils, there is significant precedent for determinations whereby the provision of electrical apparatus to renew the substation within established substations is exempted development. The following examples are relevant:
  - **An Bord Pleanála Reference ABP-306431-20** – where the Board determined that the construction of 220kV Shunt Reactors with associated internal compound and associated equipment within the existing Ballyvouskill 220/110kV Electricity Substation at Caherdowney, County Cork, came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
  - **An Bord Pleanála RL3080** – where the Board determined that the proposed renewing and altering of the existing Maynooth – Ryebrook 110kV overhead line, came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
  - **An Bord Pleanála Reference RL3316** – where the Board determined that the extension of the existing medium voltage busbar and the construction of a cable chair within the existing Kilmagig 38kV electricity substation came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.

- **An Bord Pleanála Reference RL3364** – where the Board determined that a modification within an existing substation consisting of a new 38kV bay and associated equipment, new 110kV neutral, new arc suppression coil and associated works came within the exempted development provisions of section 4(1)(g) and 4(1)(h) of the Planning and Development Act 2000.
- **Cork City Council Reference R603/20**– where CCC determined that the construction of (1) a fenced and gated compound containing two banded transformers and an associated 5.6m high firewall (2) 2 No.15m high freestanding lightning monopoles (3) a 48.6sq.m GIS module, and (4) ancillary works including the laying of underground cables, at existing Trabeg 110kV Substation came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.
- **Cork County Council Reference D/289/24** - where CCC determined that (a) replacement of 1 No. existing 31.5 MVA 110/38kV transformer and associated Arc Suppression Coil with 2 No. new 63 MVA 110/38kV transformers and associated Arc Suppression Coils to provide additional load capacity (b) the refurbishment of existing 110kV electrical equipment in 6 No. 110kV bays due to age and insufficient ratings and install 1 No.110kV electrical equipment in 1 No. new bay (c) replace the existing AIS strung 38kV busbar and house transformer due to insufficient rating with a new modular uprated 38kV busbar and 2 No. new house transformers for substation LV electrical supply (d) replace 1 No. existing 110kV OHL end mast (north east corner) to remove electrical overhead hazard in proposed works with 1 No. 110kV OHL end mast (south east corner) (e) construction of a new access road along the north and east of the existing substation compound with 2 No. new access gates on eastern compound fence and (f) general compound stoning and earthgrid works and all ancillary site development and enabling works at Midleton 110kV Substation, Carrigogna, Midleton, Co. Cork came within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000.

### 3.3 Environmental Impact Assessment (EIA) and Appropriate Assessment (AA) Considerations

#### 3.3.1 EIA Considerations

The proposed development does not come within a class of development set out in Schedule 5 of the Planning and Development Regulations, as amended and are therefore not a type of development for which EIA is required.

#### 3.3.2 AA Considerations

An Appropriate Assessment Screening Report has been prepared to accompany this Section 5 – **see Appendix 1**. This AA Screening Report has established that the proposed development (as detailed in Section 5.2) has no potential for significant effects on any of QI Annex I habitats and/or Annex II species and/or SCI species of any European site, with particular regard to their conservation objectives, alone or in combination with other projects or plans. Therefore, a Stage 2 Appropriate Assessment is not required for the proposed development.

### 3.3.3 EIA and AA Conclusions

Having regard to the above, it is considered that the exclusions set out under Section 4(4) of the Act do not apply.

## 3.4 Legislative Provisions as they Apply to the Proposal

Having regard to the provisions under Section 2(1) of the Act, ESB is a statutory undertaker set up under the Electricity (Supply) Act 1927 in order to provide an electricity service.

Having regard to the definition of 'development' under Section 3(1) of the Act and the description of the works set out in Section 2 of this Report, the proposed works constitute development.

Having regard to the description of works set out in Section 2 of this Report and definitions of exempted works set out under Sections 4(1)(g) and 4(1)(h) of the Act, it is considered that the proposed works come within the exempted development provisions set out therein as the proposed development:

- consists of the carrying out of works by a statutory undertaker;
- consists of works that would renew and alter existing apparatus used for that statutory purpose where the 'apparatus' under consideration is the entire substation – these works fall within the scope of development provided for under section 4(1)(g) of the Planning and Development Act 2000,
- consists of works that are for the maintenance, improvement or alteration of any structure (the substation) which due to the location, setting and established nature of the site, would not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures - these works fall within the scope of development provided for within section 4(1)(h) of the Planning and Development Act 2000.

It is therefore considered that the proposed development works are development and are exempted development.

## 4 Conclusion

It is considered that having regard to:

- Section 2(1) of the Planning and Development Act, 2000, as amended,
- Section 3(1) of the Planning and Development Act, 2000, as amended,
- Section 4(1)(g) and Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- the established nature and context of the site,
- the nature and extent of the proposed works,
- the precedent for similar determinations,

The proposed development electrical works consist of:

- the carrying out by a statutory undertaker of works for the purpose of renewing and altering apparatus and would, therefore, come within the exempted development provisions of section 4(1)(g) of the Planning and Development Act 2000, as amended, and
- the carrying out of works for the maintenance, improvement or alteration or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures and would, therefore, come within the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended.

As such, the works proposed constitute development and are exempted development.

## **Appendix 1**

### **Appropriate Assessment Screening Report**



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# Dungloe 38 kV Substation Upgrade

## Appropriate Assessment Screening Report

ESB Networks

Document No.: PE595-F2208-R208-002-000

Date: 31<sup>st</sup> August 2021

ESB Engineering & Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin, K67 XF72, Ireland.

**Phone** +353 (0)1 703 8000

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<b>Client / Recipient:</b>	Electricity Supply Board (ESB) Network	
<b>Project Title:</b>	Dungloe 38 kV Substation Upgrade	
<b>Report Title:</b>	Dungloe 38 kV Substation Upgrade Appropriate Assessment Screening Report	
<b>Report No.:</b>	PE595-F2208-R208-002-000	
<b>Revision No.:</b>	Final	
<b>Prepared by:</b>	Kate-Marie O'Connor	Date: 26 <sup>th</sup> August 2021
<b>Title:</b>	Ecologist	
<b>Verified by:</b>	Geoff Hamilton	Date: 27 <sup>th</sup> August 2021
<b>Title:</b>	Senior Ecologist	
<b>Approved by:</b>	Ciara Hamilton	Date: 31 <sup>st</sup> August 2021
<b>Title:</b>	Senior Ecologist	

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## Change History of Report

Date	New Revision	Author	Summary of Change



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## 1 Introduction

ESB Engineering and Major Projects (EMP) has been engaged by ESB Networks (ESBN) to prepare an Appropriate Assessment (AA) Screening Report for the proposed upgrade works at the existing Dungloe 38 kV substation in Dungloe, Co. Donegal (hereafter referred to as the '*proposed development*'). The proposed development comprises the following elements (see Section 5.2 for full details):

- Demolition of existing control room
- Demolition of existing timber busbar
- Installation of 7 Bay Gas Insulated Switchgear (GIS) module and foundation
- Installation of 11 Bay MV module and foundation
- Installation of Control Room module and foundation
- Replacement of SCADA pole
- Replacement of existing HDPE retrofit bunds to T42 5 MVA transformer
- Replace existing T41 2 MVA transformer with refurbished 5MVA transformer
  - Requires installation of a new '*temporary*' HDPE bund
  - Requires removal of existing HDPE T41 bund and installation of new HDPE bund in this location
- Installation of new HDPE bund for booster transformer
- Removal of existing palisade fence on south and south-West sides of the station and installation of new palisade fence along proposed fence line

This report has been prepared by ESB EMP. It presents the information required to assist ESB EMP to undertake a Screening for Appropriate Assessment of the proposed development, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and Section 42 of the European Communities (Birds and Natural Habitats) Regulations 2011 (hereafter referred to as the '*Birds and Habitats Regulations*').

The purpose of this report is to demonstrate whether the proposed development, either alone or in combination with other plans or projects, is likely to have significant effects on a European site(s) in view of the site's conservation objectives.

## 2 Statement of competence

This report was prepared by Kate-Marie O'Connor, Ecologist with ESB EMP.

Kate-Marie O'Connor has nine years' professional experience in ecological consultancy. She holds an honours degree in Natural Sciences from Trinity College Dublin, specialising in Botany, and obtained a distinction in her Masters in Environmental Modelling, Monitoring and Reconstruction from the University of Manchester. She also holds an advanced diploma in Planning and Environmental Law from The Honourable Society of King's Inn. She is a full member of the Chartered Institute of Ecology and Environmental Management (CIEEM). Her experience primarily includes the preparation of Ecological Impact Assessments, Biodiversity Chapters of Environmental impact Assessment (EIA) reports, Appropriate Assessment (AA) Screening reports and Natura Impact Statements (NIS) for a range of public and private projects across Ireland. Kate-Marie has experience preparing AA Screening reports, Natura Impact Reports (NIR) and NIS for statutory and non-statutory land-use plans. Kate-Marie has a specialist interest in botany and has

extensive experience undertaking botanical surveys in a range of different habitats across Ireland; the results of which have informed the preparation of ecological assessments. Kate-Marie also has extensive experience undertaking a range of fauna surveys including those for bats, badger, otter, breeding and wintering birds and newts.

### 3 Regulatory context

The EU Habitats Directive 92/43/EEC provides legal protection for habitats and species of European importance through the establishment of a network of designated conservation areas known as the Natura 2000 Network. The Natura 2000 network includes sites designated as Special Areas of Conservation (SAC) under the EU Habitats Directive and Special Protection Areas (SPA) designated under the EU Birds Directive 79/209/EEC. Collectively these sites are referred to as 'European Sites'.

The Habitats Directive was initially transposed into Irish national law in 1997, with the European Communities (Natural Habitats) Regulations, SI 94/1997. These Regulations have since been amended by SI 233/1998 & SI 378/2005. The European Communities (Birds and Natural Habitats) Regulations 2011 consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010.

The requirements for an Appropriate Assessment are set out under Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC which state:

*6(3) Any plan or project not directly connected with or necessary to the management of the site [Natura 2000 sites] but likely to have 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 sites 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.*

*6(4) If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.*

### 3.1 Appropriate Assessment process

This assessment has been undertaken in accordance with the following legislation and best practice methodologies:

- European Communities (Birds and Natural Habitats) Regulations 2011, as amended;
- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities (Department of the Environment Heritage and Local Government, Revision 1, 2010);
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission (2001); and
- Managing Natura 2000 Sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (European Commission, 2019).
- Office of the Planning Regulator (OPR) (2021) OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management.
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10

Key stages in the Appropriate Assessment process are set out below, as per the respective aforementioned guidance documents. Stages 1 and 2 relate to Article 6(3) of the Habitats Directive and Stages 3 and 4 relate to Article 6(4). The outcome of each successive stage determines if a further stage in the process is required.

#### Stage 1. Screening for Appropriate Assessment

The first step in the screening process is to determine if the plan or project is directly connected to or necessary for the management of a Natura 2000 site. The process then identifies whether a plan or project, either alone or in combination with other plans or projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

#### Stage 2. Appropriate Assessment

This stage considers whether the plan or project, alone or in combination with other projects or plans, will have adverse effects on the integrity of a Natura 2000 site, and includes any mitigation measures necessary to avoid, reduce or offset negative effects. A Natura Impact Statement (NIS) must be prepared as part of this stage of the process. The AA is carried out by the competent authority, and is informed by the NIS.

#### Stage 3. Alternative Solutions

If Stage 2 of the process concludes that there is likely to be adverse effects on the integrity of a Natura 2000 site, Stage 3 then examines any alternative solutions or options that could enable the plan or project to proceed without adverse effects on the integrity of a Natura 2000 site.

#### Stage 4. Imperative Reasons of Overriding Public Interest (IROPI)/Derogation

Stage 4 is the main derogation process of Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a Natura 2000 site to proceed in cases where it has been established that no less damaging alternative solution exists.

## 3.2 Conservation Status of habitats and species

Definitions of conservation status, integrity and significance used in this assessment are defined in accordance with '*Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*' (European Commission, 2019).

- The conservation status of a natural habitat is defined as the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species.
- The conservation status of a species is defined as the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its population.
- The integrity of a Natura 2000 site is defined as the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified.
- Significant effect should be determined in relation to the specific features and environmental conditions of the protected site concerned by the plan or project, taking particular account of the site's conservation objectives.

### Favourable conservation status

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest.

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

The maintenance of habitats and species within 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. Article (1) of the Habitats Directive (92/43/EEC) describes favourable conservation status for habitats and species as follows.

### Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and

- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

**Favourable conservation status of a species is achieved when:**

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

## 4 Methodology

### 4.1 Desktop study

A desktop study was undertaken to inform this assessment, including the identification of any European site(s) that may be present within the zone of influence of the proposed development.

The following sources of information were referred to as part of this desktop study:

- Information on European site(s), Qualifying Interest (QI) Annex I habitat(s) and Annex II species, and Special Conservation Interest (SCI) species relevant to this assessment, including Geographical Information System (GIS) datasets and conservation objectives documentation, held by the National Parks and Wildlife Service (NPWS), viewed on the 25<sup>th</sup> August 2021 at [www.npws.ie](http://www.npws.ie)
- Information on records of QI Annex II species and SCI species relevant to this assessment, held by the National Biodiversity Data Centre (NBDC), viewed on the 25<sup>th</sup> August 2021 at <https://maps.biodiversity.ie/Map>
- Information on surface, ground and coastal waterbodies, including Water Framework Directive status, held by Environmental Protection Agency (EPA), viewed on the 25<sup>th</sup> August 2021 at <https://gis.epa.ie/EPAMaps/>
- Information on geology and soils of the proposed development site, held by Geological Survey Ireland (GSI), viewed on the 25<sup>th</sup> August 2021 at <https://secure.dccae.gov.ie/goldmine/map.html>
- Aerial photography of the proposed development site and the surrounding area as relevant to this assessment, held by Ordnance Survey Ireland, viewed on the 25<sup>th</sup> August 2021 at <https://geohive.ie>
- Information on planning applications within the environs of the proposed development site, held by Donegal County Council, viewed on the 25<sup>th</sup> August 2021 at <https://donegalcoco.ie/services/planning/planningapplicationsearch/>
- Information on the location and design of the proposed development provided by the design team

### 4.2 Zone of influence

The current national guidance on Appropriate Assessment in Ireland states that ‘*any Natura 2000 sites within the likely zone of impact of the plan or project... should be included [in the assessment]*’ and that the ‘*A distance of 15km is currently recommended in the case of plans and derives from UK guidance (Scott Wilson et al., 2006). 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....*’ (DoEHLG, 2010 revision).

The zone of influence for a project is ‘*the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities*’ and it ‘*will vary for difference ecological features depending on their sensitivity to an environmental change*’ (CIEEM, 2018). A potential impact pathway must exist between the proposed development and the ecological feature (*i.e.* the European site) as a prerequisite of a development being in its zone of influence. The

Source-Pathway-Receptor approach is applied in the identification of the potential impact pathway(s) between the proposed development and a European site and the assessment of likelihood of potential impacts on a European site arising from the proposed development. If there is no ecological pathway or functional link between the proposed development and a European site, then there is no potential for likely significant effects to occur and as such the development may be screened out (OPR, 2021).

The zone of influence is identified based on an examination of potential impacts that may arise from the proposed project on the receiving environment, which in turn informs the assessment of potential likely significant effects on any European sites as a result of impacting on the conservation objectives supporting the favourable conservation condition of the European sites' QIs or SCIs. The potential zone of influence is defined as:

- Areas directly within the land take for the proposed development
- Areas which will be temporarily affected;
- Areas likely to be impacted by hydrological disruption; and
- Areas where there is a risk of pollution and disturbance (*e.g.* noise)



## 5 Screening for Appropriate Assessment

### 5.1 Introduction

Screening determines whether appropriate assessment is necessary by examining:

1. Whether a plan or project can be excluded from AA requirements because it is directly connected with or necessary to the management of the site, and
2. The potential effects of a project or plan, either alone or in-combination with other projects or plans, on a European site in view of its conservation objectives and considering whether these effects will be significant (DoEHLG, 2010 revision).

The proposed development is not directly connected with or necessary to the management of any European site.

Screening for AA involves the following:

1. Description of the proposed development and the existing environment
2. Identification of relevant European sites located within the Zone of Influence of the proposed development and compilation of information on their Qualifying Interest (QI) Annex I habitats and Annex II species and/or Special Conservation Interest (SCI) species (as relevant) and corresponding conservation objectives
3. Identification and analysis of potential direct, indirect and/or cumulative effects that may arise during the construction and/or operation of the proposed development and a determination as to their likely significance
4. Conclusions of the Screening Report

### 5.2 Description of project

#### 5.2.1 Existing environment

The proposed development site is located at the existing Dungloe 38 kV substation, directly south of the Carnmore Road (N56) in Dungloe, Co. Donegal (refer to Figure 5.1). The existing substation was built in the mid-1960s. It includes a single-storey building and an area of hardstanding. It is immediately surrounded by an existing low level post and wire fence and treeline, improved grassland and scrub vegetation. The wider environs of the proposed development site comprise a mixture of improved agricultural/wet grassland fields, hedgerows, treelines and scrub and heathland/peatland habitats. It also includes areas of hardstanding (including the Carnmore Road/N56) and residential, community and commercial buildings with associated landscaped gardens; all of which are generally located west of the proposed development site in the town of Dungloe.

There are no watercourses located within or adjacent to the proposed development site. The nearest watercourse to the proposed development site is the Dungloe River, located approximately 180 m north of the proposed development site. The Dungloe River (also referred to as Dunglow River) flows out of Dungloe Lough (also referred to as Dunglow Lough, located approximately 220 m north-east of the proposed development site) in a westerly direction towards Dungloe Bay (located approximately 1.1 km west of the proposed development site). According to the EPA GIS Map Viewer, the WFD status of the Dungloe River is '*Moderate*', while the WFD status of Dungloe Lough is '*Good*'. There is no hydrological connection between the proposed development site and any European site.

The proposed development site is located within the Northwest Donegal ground waterbody, which has a '*Good*' WFD status and is considered to be '*Not at Risk*'. The proposed development site is located within a '*Poor Aquifer – Bedrock which is Generally Unproductive except for Local Zones*'.

The non-native invasive plant species *Rhododendron ponticum* is present along the southern boundary of the proposed development site. This species is listed on the Third Schedule of the Birds and Habitats Regulations and as such it is an offence to introduce and/or spread it. It will be appropriately treated and disposed of in accordance with the following best practice guidance:

- *The Management of Invasive Alien Plant Species on National Roads – Technical Guidance* (Transport Infrastructure Ireland, 2020a)
- *The Management of Invasive Alien Plant Species on National Roads – Standard* (Transport Infrastructure Ireland, 2020b)

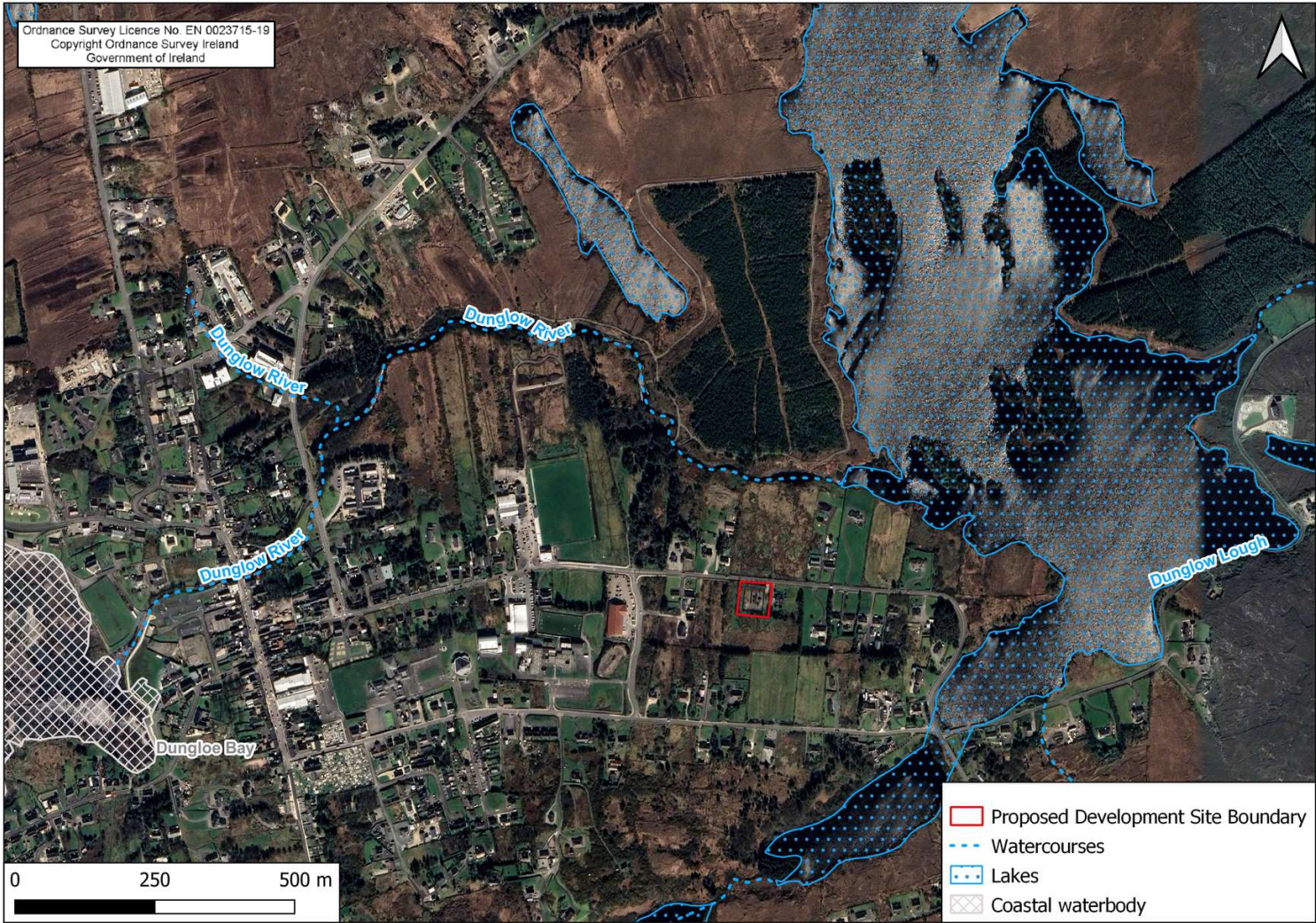


Figure 5.1 Proposed development site (as indicated by redline boundary) and its immediate environs



### 5.2.2 Overview of project

The proposed development involves the replacement of the existing Dungloe 38 kV substation and the construction of a new fully containerised 38kV substation at the current location. These proposed works are required due to the very poor condition of the control room and the existing 60-years-old wood poles that support the busbars, which require significant repair work to maintain the future functioning of the substation.

The proposed development will include the following elements:

1. Standard 38kV Gas Insulated Switchgear (GIS) 7 bay Module 1250A busbar. ( 3L, 2T, 1S, 1R)

- 3 x 1250A 38kV Line cubicles with impedance and transient earth fault protection
- 2 x 630A Transformer Cubicles with standard protection.
- 1250A Sectionaliser and Riser cubicles with busbar earthing and simple busbar differential protection
- 2 sets of 38kV busbar VT's, one per busbar section.

2. 38kV Transformers/Boosters

- Retain the existing T41 5MVA transformer
- Replace the existing T42 2MVA transformer with a reused 5MVA transformer.
- The transformers are to be operated at 10kV.
- Transformer protection is integrated into the 38kV GIS module
- Retain the existing 38kV booster on the F3 Glenties 38kV Feeder but upgrade to current design standard by replacing the fault throw switch with a dedicated 38kV AIS cubicle including circuit breaker on the line side of the booster.

3. Standard 11 bay MV GIS Module. 1250A busbar.

The prefabricated MV switchroom module is rated for 24kV and 1250A busbar and consists of protection suitable for both 10kV and 20kV. The MV busbar will be operated at 10kV.

- 6 x 630A feeder cubicles ( including one feeder with integrated busbar earth)
- 2 x 1250 transformer cubicles
- 1 x 1250A busbar sectionaliser cubicle.
- 1 x FPE cubicle
- 2 x sets of busbar VT's -one per section
- 1x 630A dedicated HOT feeder

4. Standard Control Room Module:

- SCS control system
- 1 x FPE Control Cabinet
- OLTC cabinet
- 38kV Booster control cabinet.
- 220V Battery (VRLA), Charger, distribution boards and DC monitoring.
- AC distribution board.
- Radio Cabinet & Antena

- Fire alarm and intruder alarm panel

5. 38kV AIS OD Cubicle on the Glenties side of T441 38kV booster.

6. Civil Works:

- Foundations for prefabricated modules, transformer bunds, roadway and cable ducting as required.
- The following should be brought up to current generic standards:
  - Substation earth grid
  - Boundary fence / wall and inner security fence

7. Retirements:

- Retire the existing outdoor busbar structures, the associated switchgear and the control room.
- Asset Management will confirm the HV plant to be retained during the scoping.

Surface water runoff from the existing control building and bunds currently discharges to ground locally. Surface water runoff generated from the proposed development site (*i.e.* at the proposed modules and transformer bunds) will be managed and treated onsite. It will be discharged to ground via a soakaway prior to treatment using Class 1 separator units.

There is no existing foul water drainage at the proposed development site and the proposed development does not include foul water drainage.

## 5.3 Description of European sites

### 5.3.1 Designated sites

The proposed development site is not located within or immediately adjacent to any European site(s). There are 15 European sites located within 15 km of the proposed development site: nine Special Areas of Conservation and six Special Protection Areas. These comprise the following European sites:

- Cloghernagore Bog And Glenveagh National Park SAC
- Rutland Island And Sound SAC
- Gannivegil Bog SAC
- Termon Strand SAC
- Gweedore Bay And Islands SAC
- West Of Ardara/Maas Road SAC
- Coolvoy Bog SAC
- Aran Island (Donegal) Cliffs SAC
- Fawnboy Bog/Lough Nacung SAC
- Derryveagh And Glendowan Mountains SPA
- Illancrone and Inishkeeragh SPA
- West Donegal Coast SPA
- Inishkeel SPA
- West Donegal Islands SPA
- Roaninish SPA

These European sites are shown below in Figure 5.2 and listed in Appendix A, along with their approximate distance to the proposed development site and QI Annex I habitats and/or Annex II species and/or SCI species.

The nearest European site is the Cloghernagore Bog And Glenveagh National Park SAC, located approximately 700 m east of the proposed development site, followed by the Derryveagh And Glendowan Mountains SPA, located approximately 720 m east of the proposed development site. Site synopses for both these European sites are provided in Appendix B. All other European sites are located beyond 1 km of the proposed development site.

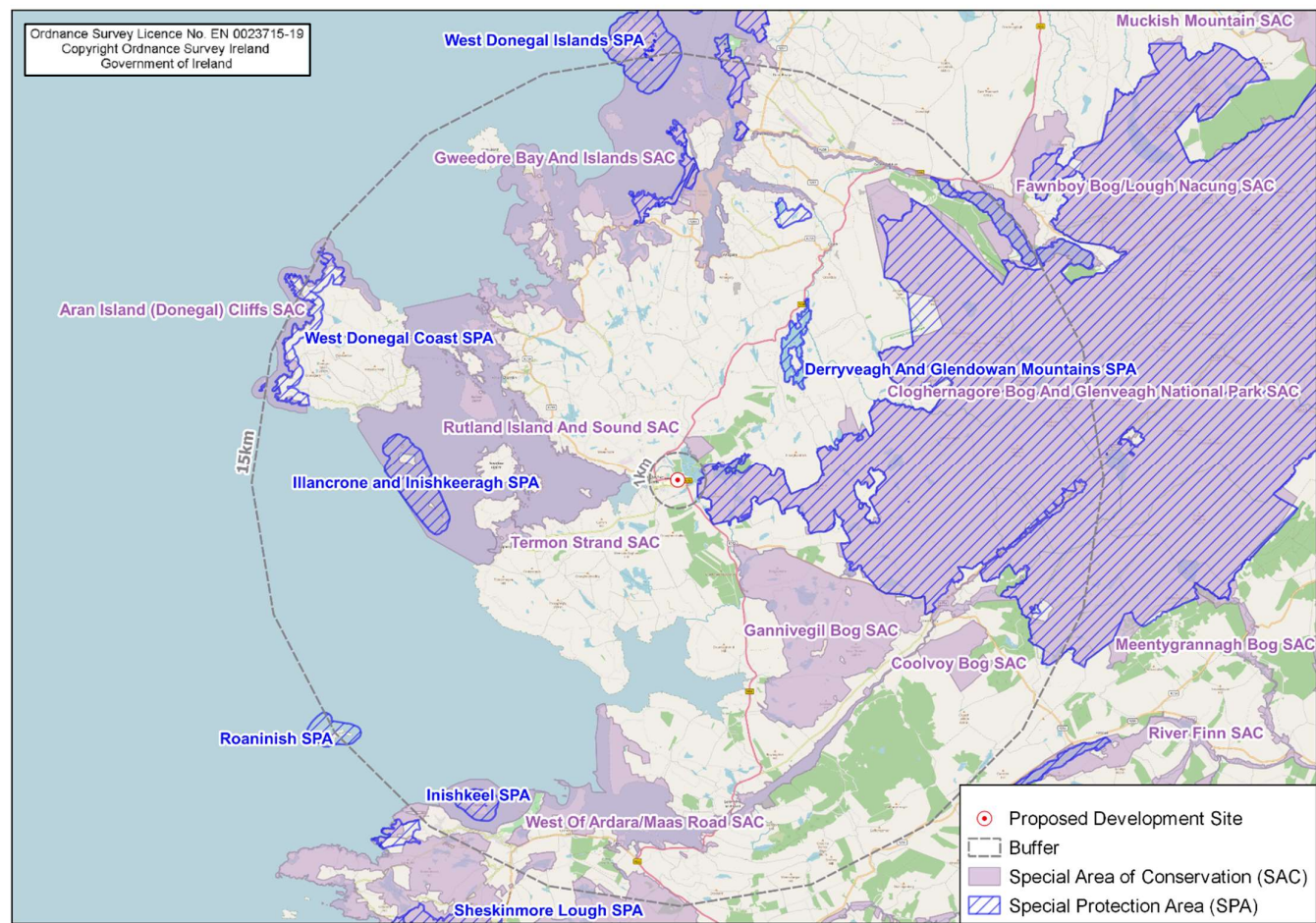


Figure 5.2 European sites located within the vicinity of the proposed development site

## 5.4 Assessment of potential effects

The proposed development site is not located within or adjacent to any European site. The nearest SAC and SPA to the proposed development site are located at distances of approximately 700 m to 720 m, respectively. Therefore, there is no potential for direct habitat loss and/or habitat fragmentation of any QI Annex I habitat and/or supporting habitat of any QI Annex II species and/or SCI species within any European site to occur as a result of the proposed development.

The proposed development site comprises the existing Dungloe 38 kV substation and does not contain any suitable *ex-situ* supporting habitat of any QI Annex II species and/or SCI species of any European site. Therefore, there is no potential for direct habitat loss and/or habitat fragmentation of any suitable *ex-situ* supporting habitat of any QI Annex II species and/or SCI species of any European site to occur as a result of the proposed development.

There are no watercourses located within or adjacent to the proposed development site. Surface water runoff arising from the proposed development will be treated and attenuated on site, ultimately discharging to ground. There is no requirement for foul water drainage. The nearest watercourse (Dungloe River) is located approximately 180 m from the proposed development site, north of the existing Carnmore Road (N56) and improved wet grassland fields. A significant terrestrial land buffer is present between this river and the proposed development site. Therefore, no hydrological connection (or potential hydrological impact pathway) exists between the proposed development site and any European site. In absence of a hydrological connection, there is no potential for any contaminated surface water runoff that may arise during the construction and/or operation of the proposed development to indirectly impact on any downstream QI Annex I habitats and/or Annex II species and/or SCI species of any European site as a result of habitat degradation and/or a reduction in prey abundance/quality.

There is only one European site located within the same ground waterbody that is designated for a groundwater dependent habitat and species, *i.e.* West of Ardara/Maas Road SAC, which is located approximately 8.3km south of the proposed development site on the Loughrea Peninsula and is designated for the QI Annex I habitat Alkaline fen and Annex II species Geyer's whorl snail. Given the distance between the proposed development site and this European site, which is located on a separate peninsula beyond Gweebarra Estuary, it is considered extremely unlikely that any feasible impact pathway via a hydrogeological connection exists between the proposed development site and the West of Ardara/Maas Road SAC. In absence of a hydrogeological connection, there is no potential for any impacts on the groundwater dependent QIs of this SAC, or any other SAC, to occur.

The non-native invasive plant species *Rhododendron ponticum* is present along the southern boundary of the proposed development site. This plant will be appropriately treated and disposed of in accordance with the following best practice guidance:

- *The Management of Invasive Alien Plant Species on National Roads – Technical Guidance* (Transport Infrastructure Ireland, 2020a)
- *The Management of Invasive Alien Plant Species on National Roads – Standard* (Transport Infrastructure Ireland, 2020b)



There is no potential impact pathway between the proposed development site and any European site that would facilitate the spread and establishment of this invasive species (*i.e.* via seed dispersal) from the proposed development site to any European site. Therefore, there is no potential for the degradation of QI Annex I habitat and/or supporting habitat of any QI Annex II species and/or SCI species within any European site to occur as a result of the introduction and/or spread of this non-native invasive species.

According to the NBDC Map Viewer, there are no records of any QI Annex II species and/or SCI species (as listed in Appendix A) within or adjacent to the proposed development site; however, there are records of the following QI Annex II species and SCI species within approximately 1 km of the proposed development site:

- Otter (*Lutra lutra*)
- Marsh fritillary (*Euphydryas aurinia*)
- Waterbird species: common gull (*Larus canus*), herring gull (*L. argentatus*) and cormorant (*Phalacrocorax carbo*).

The construction of the proposed development may result in increased levels of disturbance within and adjacent to the proposed development site as a result of increased levels of noise, vibration, lighting and/or human activity. Increased levels of disturbance could potentially impact on fauna species using lands within the zone of influence of the proposed development, potentially resulting in their temporary displacement from these lands to other suitable habitat in the wider environment. In the case of otter, such effects are likely to occur within 150 m of the proposed development (National Roads Authority, 2008), whereas for waterbirds (including those listed above) such effects are likely to occur within 300 m of the proposed development (Cutts *et al.*, 2009; Wright *et al.*, 2010). Given that the distance between the proposed development site and the nearest European site designated for otter is approximately 700 m and that the nearest watercourse (that otter may commute and/or forage along) is approximately 180 m from the proposed development site, no potential impacts as a result of disturbance and/or displacement on otter will occur. Similarly, given that the distance between the proposed development site and the nearest European site designated for waterbirds is approximately 720 m, no potential impacts as a result of disturbance and/or displacement on any waterbird species is predicted. It is possible that SCI species of the Derryveagh And Glendown Mountains SPA may occasionally fly from Dungloe Lough to Dungloe Bay over the proposed development site; however no potential impacts on such SCI species and their flightpaths are predicted due to the small scale nature of the proposed development, which lacks any elevated structures that could pose a new collision risk to birds, and the nature of the proposed development site and its surrounding environment, which such SCI species would already be habituated to.

Therefore, in consideration of the information presented above, it is concluded that there is no potential for the proposed development alone to result in likely significant effects on the QI Annex I habitats and/or species and/or SCI species of any European site, with particular regard to their conservation objectives. The potential for the proposed development to act in-combination with other plans and/or projects and result in likely significant effects on any European site is assessed in Section 5.5 below.

## 5.5 Assessment of potential in-combination effects

In order to take account of in-combination or cumulative effects, plans and projects that are completed, approved but uncompleted, or proposed (but not yet approved) should be considered in this context (European Commission, 2001).

As assessed in Section 5.4, the proposed development will not result in any likely significant effects on the QI Annex I habitats and/or Annex II species and/or SCI species of any European site, with particular regard to their conservation objectives.

No feasible hydrological or hydrogeological impact pathways exist between the proposed development site and any European site and as such there is no potential for in-combination impacts to occur with any other plans and/or projects via these impact pathways.

According to the Donegal County Council planning application map viewer, there are a number of granted and undecided planning permissions proposed for lands located in the wider environs of the proposed development site, in particular in Dungloe town. The construction of these developments and the proposed development at the same period of time could potentially act in-combination, resulting in increased levels of disturbance and/or displacement of fauna. However, no potential significant effects on any European site will occur given that the majority of these other proposed developments are located beyond the zone of influence of the proposed development with respect to QI Annex II species and SCI bird species (as described above in Section 5.4).

Therefore, in consideration of the information presented above, it is concluded that there is no potential for the proposed development, alone or in-combination with any other plans and/or projects, to result in likely significant effects on the QI Annex I habitats and/or Annex II species and/or SCI species of any European site, with particular regard to their conservation objectives.

## 5.6 Conclusion of the Screening Report

This AA Screening Report has established that the proposed development (as detailed in Section 5.2) has no potential for significant effects on any of QI Annex I habitats and/or Annex II species and/or SCI species of any European site, with particular regard to their conservation objectives, alone or in combination with other projects or plans. Therefore, a Stage 2 Appropriate Assessment is not required for the proposed development.

## 6 References

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## Appendix A

European sites located within the vicinity of the proposed development site

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
Special Area of Conservation (SAC)	
<p>Cloghernagore Bog And Glenveagh National Park SAC [002047]</p> <p>Approximately 700m</p> <p>NPWS (2017)  <i>Conservation Objectives: Cloghernagore Bog and Glenveagh National Park SAC 002047. Version 1.</i>  National Parks and Wildlife Service,  Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p><b>Annex I habitats:</b></p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) [6410]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p><b>Annex II species:</b></p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>
<p>Rutland Island And Sound SAC [002283]</p> <p>Approximately 1.7km</p> <p>NPWS (2013)  <i>Conservation Objectives: Rutland Island and</i></p>	<p><b>Annex I habitats:</b></p> <p>Coastal lagoons [1150]</p> <p>Large shallow inlets and bays [1160]</p> <p>Reefs [1170]</p>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
<p><i>Sounds</i> SAC 002283. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, and the Gaeltacht Affairs.</p>	<p>Annual vegetation of drift lines [1210]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Humid dune slacks [2190]</p> <p><b>Annex II species:</b></p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p>
<p>Gannivegil Bog SAC [000142]</p> <p>Approximately 3km</p> <p>NPWS (2017) <i>Conservation Objectives: Gannivegil Bog SAC 000142.</i> Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p><b>Annex I habitats:</b></p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>Blanket bogs (* if active bog) [7130]</p>
<p>Termon Strand SAC [001195]</p> <p>Approximately 5.5km</p> <p>NPWS (2016) <i>Conservation Objectives: Termon Strand SAC 001195.</i> Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p><b>Annex I habitat:</b></p> <p>Coastal lagoons [1150]</p>
<p>Gweedore Bay And Island SAC [001141]</p>	<p><b>Annex I habitats:</b></p>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
<p>Approximately 6.4km</p> <p>NPWS (2015) <i>Conservation Objectives: Gweedore Bay and Islands SAC 001141.</i> Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, and the Gaeltacht Affairs.</p>	<p>Coastal lagoons [1150]</p> <p>Reefs [1170]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p><b>Annex II species:</b></p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>



European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
	<i>Petalophyllum ralfsii</i> (Petalwort) [1395]  <i>Najas flexilis</i> (Slender Naiad) [1833]
<p>West of Ardara/Maas Road SAC [000197]</p> <p>Approximately 8.3km</p> <p>NPWS (2015)  <i>Conservation Objectives: West of Ardara/Maas Road SAC 000197.</i>  Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, and the Gaeltacht Affairs.</p>	<p><b>Annex I habitats:</b></p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Large shallow inlets and bays [1160]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Embryonic shifting dunes [2110]</p> <p>Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120]</p> <p>Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>Decalcified fixed dunes with <i>Empetrum nigrum</i> [2140]</p> <p>Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) [2150]</p> <p>Dunes with <i>Salix repens</i> ssp. <i>argentea</i> (<i>Salicion arenariae</i>) [2170]</p> <p>Humid dune slacks [2190]</p> <p>Machairs (* in Ireland) [21A0]</p> <p>Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]</p> <p>Oligotrophic to mesotrophic standing waters with vegetation of the <i>Littorelletea uniflorae</i> and/or <i>Isoeto-Nanojuncetea</i> [3130]</p>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p><i>Juniperus communis</i> formations on heaths or calcareous grasslands [5130]</p> <p>Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210]</p> <p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410]</p> <p>Lowland hay meadows (<i>Alopecurus pratensis</i>, <i>Sanguisorba officinalis</i>) [6510]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p>Alkaline fens [7230]</p> <p><b>Annex II species:</b></p> <p><i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Phoca vitulina</i> (Harbour Seal) [1365]</p> <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p><i>Najas flexilis</i> (Slender Naiad) [1833]</p>
Coolvoy Bog SAC [001107]	<b>Annex I habitats:</b>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
<p>Approximately 10.4km</p> <p>NPWS (2017) <i>Conservation Objectives: Coolvay Bog SAC 001107. Version 1.</i> National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p>Blanket bogs (* if active bog) [7130]</p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Submerged or partially submerged sea caves [8330]</p>
<p>Aran Island (Donegal) Cliffs SAC [000111]</p> <p>Approximately 12.1km</p> <p>NPWS (2016) <i>Conservation Objectives: Aran Island (Donegal) Cliffs SAC 000111. Version 1.</i> National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.</p>	<p><b>Annex I habitats:</b></p> <p>Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Submerged or partially submerged sea caves [8330]</p>
<p>Fawnboy Bog/Lough Nacung SAC [000140]</p> <p>Approximately 12.2km</p> <p>NPWS (2016) <i>Conservation Objectives: Fawnboy Bog/Lough Nacung SAC 000140. Version 1.</i> National Parks and Wildlife Service, Department of Arts,</p>	<p><b>Annex I habitats:</b></p> <p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]</p> <p><b>Annex II species:</b></p>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
Heritage, Regional, Rural and Gaeltacht Affairs.	<i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]
Special Protection Area (SPA)	
<p>Derryveagh And Glendowan Mountains SPA [004039]</p> <p>Approximately 720m</p> <p>NPWS (2021) <i>Conservation Objectives for Derryveagh and Glendowan Mountains SPA [004039]</i>. Generic Version 8.0. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>Red-throated Diver (<i>Gavia stellata</i>) [A001]</p> <p>Merlin (<i>Falco columbarius</i>) [A098]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Dunlin (<i>Calidris alpina schinzii</i>) [A466]</p>
<p>Illancrone and Inishkeeragh SPA [004132]</p> <p>Approximately 8.1km</p> <p>NPWS (2021) <i>Conservation Objectives for Illancrone and Inishkeeragh SPA [004132]</i>. Generic Version 8.0. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Little Tern (<i>Sterna albifrons</i>) [A195]</p>
<p>West Donegal Coast SPA [004150]</p> <p>Approximately 9.1km</p> <p>NPWS (2021) <i>Conservation Objectives</i></p>	<p>Fulmar (<i>Fulmarus glacialis</i>) [A009]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]</p> <p>Peregrine (<i>Falco peregrinus</i>) [A103]</p>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
<p>for West Donegal Coast SPA [004150]. Generic Version 8.0. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>Herring Gull (<i>Larus argentatus</i>) [A184]  Kittiwake (<i>Rissa tridactyla</i>) [A188]  Razorbill (<i>Alca torda</i>) [A200]  Chough (<i>Pyrrhocorax pyrrhocorax</i>) [A346]</p>
<p>Inishkeel SPA [004116]    Approximately 12.8km    NPWS (2021)  <i>Conservation Objectives for Inishkeel SPA [004116]</i>. Generic Version 8.0. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]</p>
<p>West Donegal Islands SPA [004230]    Approximately 13.6km    NPWS (2021)  <i>Conservation Objectives for West Donegal Islands SPA [004230]</i>. Generic Version 8.0. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.</p>	<p>Shag (<i>Phalacrocorax aristotelis</i>) [A018]  Barnacle Goose (<i>Branta leucopsis</i>) [A045]  Corncrake (<i>Crex crex</i>) [A122]  Common Gull (<i>Larus canus</i>) [A182]  Herring Gull (<i>Larus argentatus</i>) [A184]</p>
<p>Roaninish SPA [004121]    Approximately 14.2km    NPWS (2021)  <i>Conservation Objectives for Roaninish SPA [004121]</i>. Generic</p>	<p>Barnacle Goose (<i>Branta leucopsis</i>) [A045]    Herring Gull (<i>Larus argentatus</i>) [A184]</p>

European site / Distance from proposed development	Qualifying Interest Annex I habitat / Annex II species / Special Conservation Interests
Version 8.0. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage.	

## Appendix B

Site synopses of European sites located within  
1km of the proposed development site



**Cloghernagore Bog And Glenveagh National Park SAC [002047] (source: NPWS, 2013)**

Cloghernagore Bog And Glenveagh National Park SAC is an exceptionally large inland site located in the centre of north-west Donegal. It includes a rich diversity of habitats and landscape features, including mountains, exposed rock and scree, blanket bogs, dry, wet and alpine heath, upland grassland, wet grassland, rivers, lakes, scrub and woodland. The area is generally mountainous and the underlying rock is predominantly granite, with a few intrusive dykes.

Atlantic blanket bog is the dominant habitat of interest, with much of it being relatively unspoilt. The area around Cloghernagore constitutes the most extensive blanket bog system remaining in the north-west of Ireland. Overall, there are excellent examples of several types of blanket bog including highland bog, lowland bog, domed valley bog, headwater bog and blanket bog apparently in the early stages of formation. The blanket bog vegetation is relatively uniform and typically dominated by purple moor-grass (*Molinia caerulea*), heather (*Calluna vulgaris*), black bog-rush (*Schoenus nigricans*), deergrass (*Scirpus cespitosus*) and common cottongrass (*Eriophorum angustifolium*), with areas of bog-myrtle (*Myrica gale*) also occurring. A number of features indicative of well-developed blanket bog are found at the site (i.e. pool systems, hummocks of *Sphagnum* species, flushed areas, quaking flats of mosses and shallow, infilling lakes). A number of scarce or only locally-occurring vascular plant species have been recorded from bogs at this site, including: hybrid sundew (*Drosera anglica* x *D. rotundifolia* (*Drosera* x *obovata*)), whorled caraway (*Carum verticillatum*), bearberry (*Arctostaphylos uva-ursi*), cranberry (*Vaccinium oxycoccos*) and in a gorge cowberry (*V. vitis-idaea*).

Wet heath occurs at this site in an intimate mosaic with blanket bog, and the vegetation of the two habitat types intergrades. Dry heath occurs at this site on slopes above 300 m, while subalpine heath is found at this site on very thin, peaty soils with some bare rock evident. The site includes many rivers and streams, fringed by various aquatic plant species. An area of semi-natural deciduous woodland exists on the steeply sloping eastern side of Glenveagh. *Rhododendron ponticum* has invaded much of the woodland and adjacent hillsides. *Molinia* meadow at this site occurs in areas that are subject to occasional flooding. There are several large oligotrophic lakes on the site, including Lough Barra, Lough Veagh and Lough Altan. Many scarce plants have been recorded from cliffs and gullies, mainly around Slieve Snaght and the Poisoned Glen. These include brittle bladder-fern (*Cystopteris fragilis*), Alpine clubmoss (*Diphasiastrum alpinum*), stiff sedge (*Carex bigelowii*), mountain sorrel (*Oxyria digyna*) and Irish spurge (*Euphorbia hyberna*). Some small lakes contain the scarce species pipework (*Eriocaulon aquaticum*). Purple saxifrage (*Saxifraga oppositifolia*) and Alpine saw-wort (*Saussurea alpina*) have also been recorded from this area, along with a more recent sighting of Killarney fern (*Trichomanes speciosum*). Other rare plant species recorded included bird cherry (*Prunus padus*), small-white orchid (*Pseudorchis albida*) and heath cudweed (*Omalotheca sylvatica*).

The area is also of considerable zoological value. Mammal recorded include the largest herd of red deer in Ireland, along with badgers, otters, Irish hares and stoats. Lough Veagh contains Arctic char, while the Owencarrow and Lackagh River systems support good population of Atlantic salmon. Common lizard has been recorded. The site supports freshwater pearl mussel. A number of important bird species are represented at this site, including red-throated diver, golden plover,

merlin, peregrine falcon, Greenland white-fronted goose, goosander and wood warbler.

Grazing by sheep and deer is common and over-grazing and poaching is evident in parts. The invasion of *Rhododendron ponticum* is a particular problem within the national park, where it has choked areas of woodland and covered adjacent hillsides. Peat cutting, both by hand and machine, has caused damage to some bogs in the site. Turbary and afforestation are the main threats to this habitat, with erosion and burning also having an impact.

The site is of great scientific and conservation value, particularly for the large areas of excellent, little-damaged blanket bog it contains, including the largest intact area of blanket bog in north-west Ireland. It also includes good quality examples of semi-natural deciduous woodland, heath, oligotrophic lakes and inland cliffs. The importance of the site is increased by the presence of a wide range of plant and animal species, including many rare or threatened Red Data Book species and several species listed on Annex II of the EU habitats Directive or Annex I of the EU Birds Directive.

#### **Derryveagh And Glendowan Mountains SPA [004039] (source: NPWS, 2014)**

Derryveagh and Glendowan Mountains SPA is an extensive upland site in north-west Co Donegal, comprising Glenveagh National Park, a substantial part of the Derryveagh and Glendowan Mountains and a number of the surrounding lakes. The substrate over much of the site is peat, with blanket bog and heath comprising the principal habitats. The site is of special conservation interest for the following species: red-throated diver, merlin, peregrine falcon, golden plover and dunlin.

This site is one of only a few locations where red-throated diver breed in Ireland. Extensive bog and heath habitats provide excellent foraging habitat for both peregrine falcon and merlin. Peregrine falcon nests on the crags and cliffs, whilst merlin nest in the heather or old crows' nests in trees. It is a very important site for breeding golden plover and dunlin. Red grouse, ring ouzel, whinchat, goosander and snowy owl have also been recorded within this site. Glenveagh National Park is the central location for the golden eagle re-introduction programme.

It is a site of high ornithological importance with nationally important breeding populations of five species (*i.e.* red-throated diver, peregrine falcon, merlin, golden plover and dunlin).

## Appendix C

### Photographs of the proposed development site

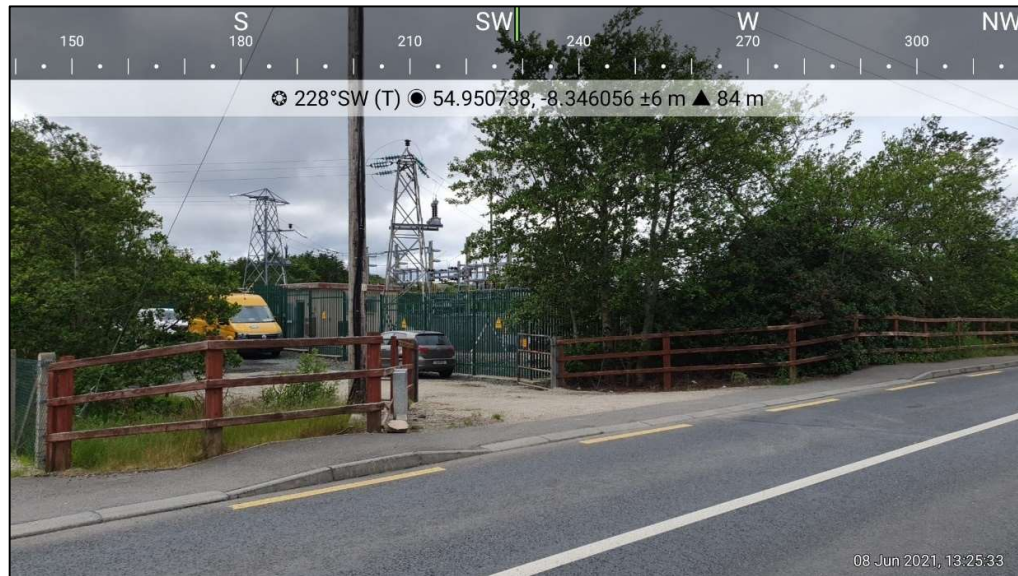


Photograph 1: Existing Dungloe 38 kV substation (including control room)

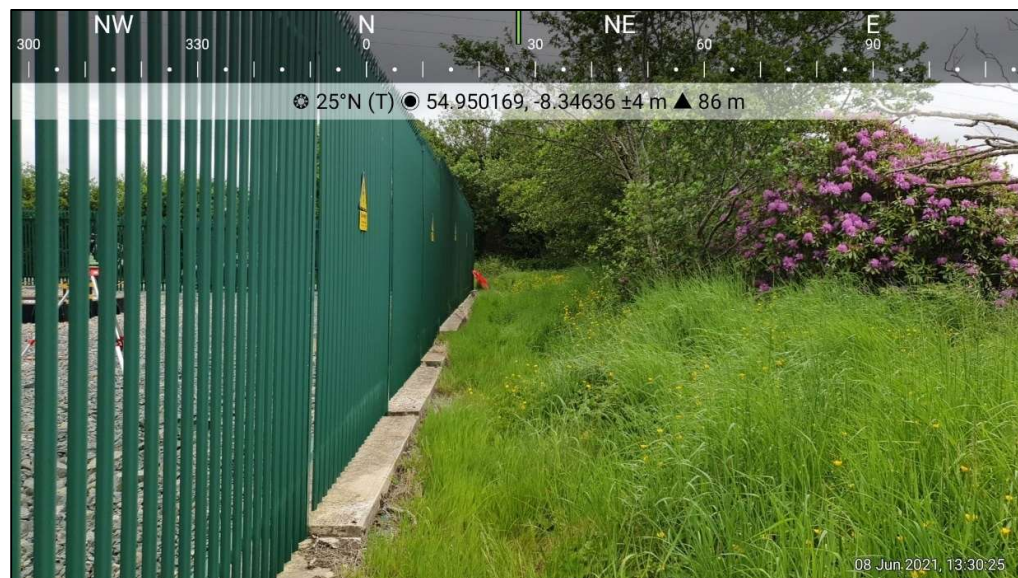


Photograph 2: Area of hardstanding at the existing Dungloe 38 kV substation





Photograph 3: View of existing Dungloe 38 kV substation from the Carnmore Road (N56)



Photograph 4: Vegetation present along southern boundary of the proposed development site, which includes the non-native invasive plant species *Rhododendron ponticum*

## **Map 1**

**Proposed Site Layout and Demolitions – Drawing 25364  
ZZ ZZZ DR MWP CE 0103**







**SECTION 5 REFERRAL REPORT – Ref.No: 25/33**

## Donegal County Council

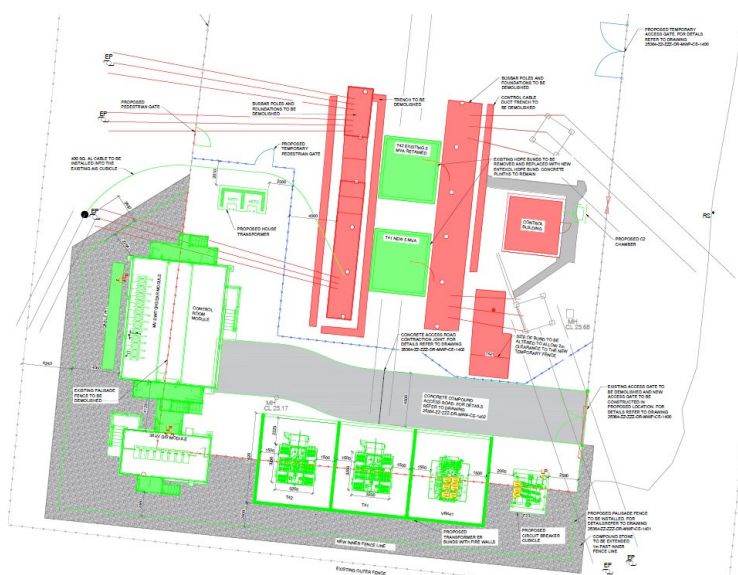
## 1.0 COMMENTS

The subject site is adjacent to an existing ESB 38kV substation on Carnmore Road, Dungloe. The proposed works are as follows:

Renewal of the entire substation to include:

- Standard 38kV GIS 7 bay module 1250A busbar.
- 38kV transformers/boosters.
- Standard 11 bay MV GIS module 1250A busbar.
- The prefabricated MV switchroom module is rated for 24kV & 1250A busbar and consists of protection suitable for both 10kV and 20 kV. The MV busbar will be operated at 10kV.
- Standard Control Room Module.
- 38kV AIS OD Cubicle on the Glenties side of T441 38kV booster.
- Civil works to accommodate the above.
- Retire the existing outdoor busbar structures, the associated switchgear and the control room.

The layout below shows structures to be demolished in red and those proposed in green.



The site does not fall within any statutory heritage designations. The site is located in an area designated as High Scenic Amenity and in an area Under Holiday Home Pressure in the County Donegal Development Plan 2024 - 2030.

## **2.0 EVALUATION**

In preparing the assessment for this reference, regard has been had to the following statutory provisions:

### **3.0 Planning and Development Act, 2000 (as amended)**

#### **Section 2(1)**

In this Act, except where the context otherwise requires –

"**structure**" means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and

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

"**works**" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal ...

#### **Section 3(1)**

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

#### **Section 177U(9)**

"In deciding upon a declaration for the purposes of Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate,

conduct screening for appropriate assessment in accordance with the provisions of this section”.

#### **4.0 Planning and Development Act, 2000 (as amended)**

Section 4 sets out development that is exempted development

##### *Section 4 (1) (g)*

*Development consisting of the carrying out by any local authority or statutory undertaker of any works for the provision of inspecting, repairing, renewing, altering or removing any sewers, mains, pipes, cables, overhead wires or other apparatus, including the excavation of any street or other land for that purpose.*

##### *Section 4 (1) (h)*

*Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures.*

#### **5.0 Planning and Development Regulations, 2001 (as amended)**

Classes 26, 27, 28 refer to development that is carried out by a statutory undertaker with regard to electricity and electrical services.

#### **6.0 PLANNING HISTORY**

There is no planning history recorded for this site.

#### **7.0 ASSESSMENT**

##### **7.1 Consideration of Proposed Development:**

- (i) The proposed development is on behalf of ESB and is to upgrade an existing substation where some structures and in particular wooden poles, are over 50 years old and require replacing. All works are within the established substation compound that is heavily screened around the boundaries by mature vegetation. The nature and function of the development will be unchanged by the proposed redevelopment.
- (ii) Having regard to Section 4 (1) (g) and (h) of the Planning and Development Act 2000 (as amended), the proposed works are not considered to be material in scale and function.

- (iii) It is considered that the proposed works noted above constitute “development” within the meaning of the Act, being works, and is exempted development.
- (iv) Appropriate assessment is not a consideration in the assessment of this referral.

## **8.0 Conclusion:**

It is considered that:

- (v) the renewal of an existing ESB 38kv substation constitutes “development” within the meaning of the Act, being works, and is exempted development under Section 4 (1) (g) and 4 (1) (h) of the Planning & Development Act 2000 (as amended).

It should also be noted that in determining the subject section 5 referral regard was had to recent Section 5 referrals to An Bord Pleanala for determination.

## **9.0 RECOMMENDATION**

IT IS HEREBY RECOMMENDED THAT A DECLARATION BE MADE THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE -

**IS Development**

**&**

**IS Exempted Development**

**WITHIN THE MEANING OF THE ABOVE ACT**

**The proposal to:**

- Renew an existing ESB 38kV substation

**The Planning Authority, in considering this referral, had regard particularly to:**

Sections 2, 3, Section 4 (1) (g), Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)

**And concluded that:**

The proposal is development and is exempted development coming within the scope of Section 4 (1) (g) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).

**Signed:** 

**Position:** Exec Planner

**Date:** 15/04/2025.



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Frank Sweeney  
Senior Executive Planner  
Community Development & Planning Services  
16/04/2025

**Chief Executive's Order No: 2025PH1047**

**Planning and Development Acts 2000 (as amended)**

**SECTION 5:-**

Request received 26<sup>th</sup> March 2025 from Electricity Supply Board C/O Brendan Allen, Planning Team Leader, ESB Engineering & Major Projects, One Dublin Airport Central, Dublin Airport, Cloghran, Co. Dublin, K67 XF72 in relation to the renewal of an existing ESB 38kv substation at Carnmore Road, Dungloe, Co. Donegal.

**SUBMITTED:-**

Written request received 26<sup>th</sup> March 2025 as above and report dated 15<sup>th</sup> April 2025 from the Executive Planner (Ref. No: S5 25/33 refers).

**ORDER:-**

Having considered the said request, the report of the Executive Planner, and the record forwarded to the Council by An Bord Pleanála in compliance with Sub-Section 6(c) of the said Section I have concluded that a declaration on the questions in the said request should be made in the terms of that in the Schedule to this Order, the main reasons and considerations therefore being detailed therein. I therefore Order that the declaration issue to the said requester and the owners/occupiers of the land concerned and, further, that it be entered in the Council's Planning Register in compliance with Sub-Section (5) of the said Section.

  
SENIOR EX. PLANNER

DATED THIS 23<sup>rd</sup> DAY OF APRIL 2025

more

**Chief Executive's Order No: 2025PH1047**

**Ref.No: S5 25/33**

**SCHEDULE**

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, Section 4 (1) (g), Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)

**And concluded that:**

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** coming within the scope of Section 4 (1) (g) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).

ys 23/04



***Planning and Development Acts, 2000 (as amended)***  
***(Declaration and Referral on Development and Exempted Development)***

**DECLARATION**

**Chief Executive's Order No:** 2025PH1047

**Reference No:** S5 25/33

**Name of Requester:** Electricity Supply Board  
C/O Brendan Allen,  
Planning Team Leader,  
ESB Engineering & Major Projects,  
One Dublin Airport Central,  
Dublin Airport,  
Cloghran,  
Co. Dublin,  
K67 XF72

**Summarised Description of development the subject matter of request:**

Renewal of an existing ESB 38kv substation

**Location:** Carnmore Road, Dungloe, Co. Donegal.

**IT IS HEREBY DECLARED THAT THE SUBJECT MATTER OF THE REQUEST AS ABOVE**

**IS** Development

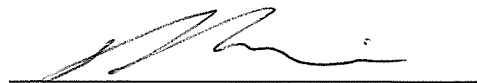
**IS** Exempted Development

**WITHIN THE MEANING OF THE ABOVE ACT**

**The Planning Authority in considering this referral, had regard particularly to:**

- Sections 2, 3, Section 4 (1) (g), Section 4 (1) (h) and 177U of the Planning and Development Act, 2000 (as amended)

The proposal **IS DEVELOPMENT** within the meaning of the Planning and Development Act, 2000 (as amended) and **IS EXEMPTED DEVELOPMENT** coming within the scope of Section 4 (1) (g) and Section 4 (1) (h) of the Planning & Development Act 2000 (as amended).



**For Senior Ex. Planner**  
**Planning Services**

**Dated this 23<sup>rd</sup> day of April 2025**



**Comhairle Contae  
Dhún na nGall**  
Donegal County Council

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Leifear,  
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Ref. No: S525/33

23<sup>rd</sup> April 2025

Electricity Supply Board  
C/O Brendan Allen,  
Planning Team Leader,  
ESB Engineering & Major Projects,  
One Dublin Airport Central,  
Dublin Airport,  
Cloghran,  
Co. Dublin,  
K67 XF72

**Re: Renewal of an existing ESB 38kv substation at Carnmore Road, Dungloe, Co. Donegal.**

A Chara,

I refer to your request received on 26<sup>th</sup> March 2025 under Section 5 of the Planning and Development Act, 2000 (as amended). Same has now been decided and I now issue to you herewith the Council's Declaration thereon. You are now advised that, in accordance with Section 5 (3) (a) of the Planning & Development Act, 2000 (as amended) where a Declaration is issued, any person issued with such a Declaration may, on payment to An Bord Pleanála of such fee as may be prescribed, refer a Declaration for review by the Board within 4 weeks of the date of issuing of the Declaration.

Mise, le meas,

**For Senior Ex. Planner  
Planning Services**

/RMcC