

OFFALY COUNTY COUNCIL

DECLARATION UNDER SECTION 5 OF THE  
PLANNING & DEVELOPMENT ACT 2000, AS AMENDED

REFERENCE: DEC 20/6

NAME OF APPLICANT: SARAH FLANAGAN C/O ATKINS ON BEHALF OF EIRGRID PLC

ADDRESS FOR CORRESPONDENCE: ATKINS HOUSE,  
150 LAKESIDE DRIVE,  
AIRSIDE BUSINESS PARK,  
SWORDS,  
CO. DUBLIN.  
K67 K5W4

NATURE OF APPLICATION: Request for Declaration under Section 5 of the Planning & Development Act 2000, as amended as to whether the laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system (BESS) at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv is or is not development and is or is not exempted development.

LOCATION OF DEVELOPMENT: CLONIFFEEN, SHANNONBRIDGE, CO. OFFALY.

WHEREAS a question referred to Offaly County Council on 27/3/2020 has arisen as to whether the laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system (BESS) at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation is or is not development and is or is not exempted development under the Planning and Development Act 2000, (as amended).

AND WHEREAS the Planning Authority, in considering this declaration request, had regard particularly to-

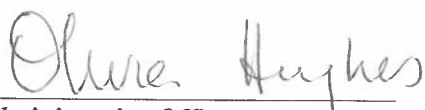
- (a) Sections 2(1), 3(1), 4(1), 4(2)(a), 4(4), 172(1) and 172(U)(9) of the Planning & Development Act 2000 (as amended)
- (b) Articles 3, 6 and 9 and Class 26, Part 1, Schedule 2 of the Planning & Development Regulations (as amended)
- (c) The nature and extent of the proposed works.

AND WHEREAS Offaly County Council has concluded that –

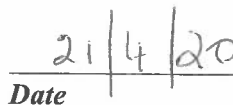
The proposed works **Is Development and IS Exempted Development**

NOW THEREFORE Offaly County Council, in exercise of powers conferred on it by Section 5 (2) of the Planning and Development Act 2000, as amended hereby decides that the laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system (BESS) at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation **IS DEVELOPMENT AND IS EXEMPTED DEVELOPMENT**

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



Administrative Officer



Date

Note: Any person issued with a Declaration may on payment to An Bord Pleanála, 64 Marlborough Street Dublin 2 of such fees as may be described refer a declaration for review by the board within four weeks of the issuing of the Declaration.

## Planning Report - Section 5 Declaration

<b>File Reference:</b>	<b>Dec 20-06</b>
<b>Question:</b>	<i>Whether the laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation is development and is or is not exempted development.</i>
<b>Applicant:</b>	<i>Sarah Flanagan c/o Atkins on behalf of EirGrid Plc.</i>
<b>Correspondence Address:</b>	<i>Atkins House, 150 Lakeside Drive, Airside Business Park, Swords, Co. Dublin. K67 K5W4</i>
<b>Location:</b>	<i>Cloniffeen, Shannonbridge, Co. Offaly.</i>

### 1. Introduction

The question has arisen as to whether the laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system (BESS) at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation is development and, if so, is or is not exempted development.

### 2. Site Description

The subject site is located immediately south of the existing Shannonbridge Power Station which is to the south of Shannonbridge Town. The site is approximately 265m from the River Suck and River Shannon. The BESS will be installed in the field approximately 100m east of the power station transformer bay.

The Applicant advises that the subject site is partly within lands which are in the ownership of Shannonbridge Power Limited and partly within lands in the ownership of ESB Networks. Appropriate letters of consent have been submitted with the application.

The site is within an Area of Low Landscape Sensitivity and there are no archaeological features in the area.

In the context of the Flood Risk Management Guidelines, the Applicants confirm that the proposed development is within a Flood Zone C and is not at risk from coastal or pluvial flooding.

### 3. Natural Heritage Designations

With regard to Natura 2000 sites, the closest designations to the subject site are the Middle Shannon Callows SPA and the River Shannon SAC. The proposed development is approximately 175m from the boundaries of these sites.

The European sites within 15km of the subject site are:

- River Shannon Callows SAC – 0.24km
- Middle Shannon Callows SPA – 0.28km
- River Suck Callows SPA – 1.2km
- Fin Lough (Offaly) SAC – 7.05km

- Mongan Bog SAC – 7.61km
- Mongan Bog SPA – 7.79km
- Pilgrim's Road Esker SAC – 7.92km
- Moyclare Bog SAC – 9.6km
- River Little Brosna Callows SPA = 11.57km
- Redwood Bog SAC – 12.53km
- Ferbane Bog SAC – 12.64km
- All Saints Bog and Esker SAC – 12.72km
- Castlesampson Esker SAC – 12.78km

There are also a number of Natural Heritage Areas (NHAs) in the vicinity including Suck River Callows NHA (c. 1.2km) and Kilnaborris Bog NHA (6.51km).

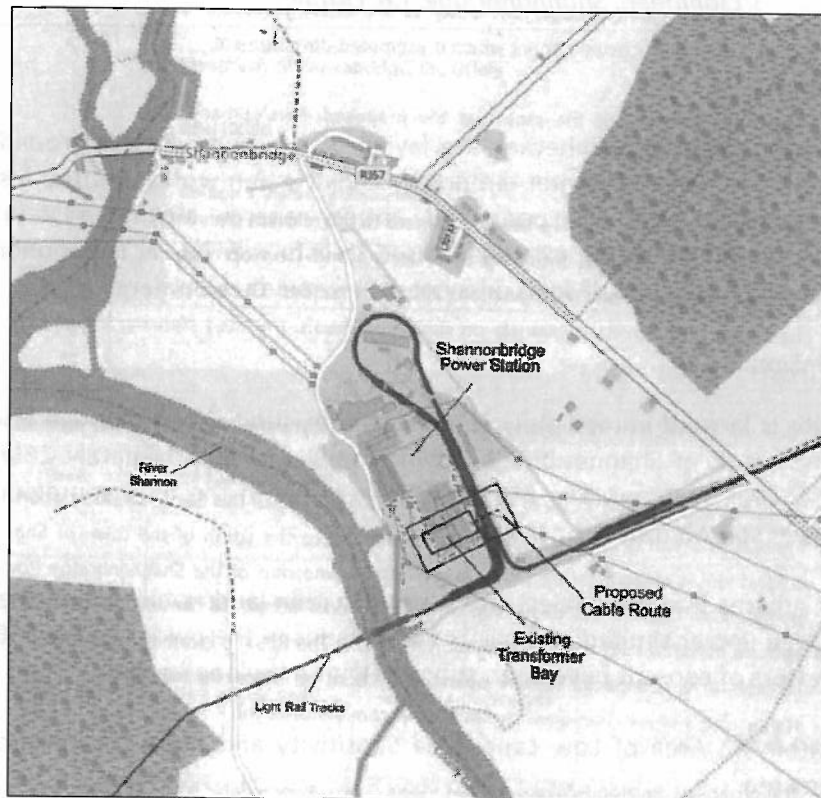


Figure 1: Subject Site Location

#### 4. Site History

**19/56: GRANTED** - Lumcloon Energy Limited sought permission for: (i) provision of open area battery energy storage system (BESS) compound (area of 6,200 sqm) containing battery and control system enclosures in lieu of the approved single storey main building (floor area of 4,500 sqm), (ii) increase in size (630 sqm), location and internal layout of switchgear building in lieu of that approved (100 sqm) which serves the main transformer on site before electrically connecting to the existing 220kv Shannonbridge Substation located on lands adjoining the site to the west, and, (iii) all associated site works.

**17/278: GRANTED** - Lumcloon Energy Limited sought permission for the development of an energy storage facility designed to provide 100mw of system support services to the electricity grid at Cloniffeen, Shannonbridge, Co. Offaly. Development will consist of (i) a single storey metal clad building (floor area 4,500sqm) to a height of 7.1m, which will include: reception area, offices, battery room, workshop area, welfare facilities and ancillary

service rooms, (ii) perimeter secured switchyard containing mv switchgear room (floor area 100sqm) to a height of 4m and main transformer which will electrically connect to the existing 220kv Shannonbridge Substation located on lands adjoining the site to the west, and, (iii) all ancillary development, including perimeter fencing and landscaping, security hut at site entrance, car-parking, access roads, all civil engineering works for the disposal of foul and surface water, lighting and site entrance with connection to a local road which provides access to the R357.

## 5. The Applicant

In the submitted documentation, the Applicant has provided justification and details of supporting legislation. Reference is made to the case of Kilross Properties v An Bord Pleanála which confirmed that EirGrid Plc is a statutory undertaker for the purposes of electricity transmission. This justification is accepted by the Planning Authority.

EirGrid Plc is licenced by the Commission for Regulation of Utilities as the Transmission System Operator (TSO) in Ireland and holds a Market Operator (MO) licence for the island of Ireland.

## 6. Proposal by Applicants

The proposed development will consist of the laying of a 220kv underground cable (approximately 110m in length) from the permitted 100MW BESS at Cloniffeen, Shannonbridge to the existing disused transformer bay at the Shannonbridge 220kv substation. The proposed development will also comprise of the installation of several minor electrical components within the existing transformer bay for the purposes of, and related solely to, the cable connection. The proposed development includes all incidental temporary construction works, including construction compound and localised shallow excavations for each of the electrical components for foundation purposes.

The Applicant wishes to ascertain whether the laying of this underground cable and associated works (including works within the existing transformer bay) is development and if so, is or is not exempted development.

## 7. Legislative Context

In order to assess whether or not the proposed works constitute exempted development, regard must be had to the following items of legislation:

### Statutory Provisions

#### **Section 2(1) Planning and Development Act 2000 (as amended):**

*"works" includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

*"alteration" includes— (a) plastering or painting or the removal of plaster or stucco, or (b) the replacement of a door, window or roof, that materially alters the external appearance of*

a structure so as to render the appearance inconsistent with the character of the structure or neighbouring structures.

**Section 3(1) Planning and Development Act 2000 (as amended):**

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

**Section 4 - Exempted Development, Planning and Development Act 2000 (as amended)**

**Section 4(1):**

*The following shall be exempted developments for the purposes of this Act—*

*(g) development consisting of the carrying out by any local authority or statutory undertaker of any works for the purpose 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;*

*(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*

In their submission, the Applicant notes that these provisions have typically been relied upon to alter and renew substations by way of additional apparatus in accordance with statutory functions. They state that *‘it is important to note that this section provides for alerting and renewing transmission apparatus (i.e. substations) – there doesn’t necessarily have to be an exact replication of apparatus. These provisions of the Act were introduced specifically to facilitate this type of project where, in planning terms, no material change is taking place’.*

**Section 4(2)(a)(i):**

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

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

**Section 4(4):**

*Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.*

**Section 172(1) - Requirement for Environmental Impact Statement, Planning and Development Act 2000 (as amended):**

*An environmental impact assessment shall be carried out by the planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either—*

*(below sections consolidated)*

*(a) the proposed development would be of a class specified in Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either such development would equal or exceed, as the case may be, any relevant quantity, area or other limit specified in that Part, or no quantity, area or other limit is specified in that Part in respect of the development concerned, and,*

*(b) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not equal or exceed, as the case may be, the relevant quantity, area or other limit specified in that Part, and it is concluded, determined or decided, as the case may be, by a planning authority, in exercise of the powers conferred on it by this Act or the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), that the proposed development is likely to have a significant effect on the environment.*

**Section 177(U)(9) – Screening for Appropriate Assessment - Planning and Development Act 2000 (as amended)**

*In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.*

**Article 3(3) – Interpretation - Planning and Development Regulations 2001 (as amended)**

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

**Article 6(1) - Exempted Development - Planning and Development Regulations 2001 (as amended)**

*Subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1.*

Schedule 2, Part 1 of the Regulations sets out development which can be considered as exempted development subject to conditions and limitations.

**Article 9 - Restrictions on Exemption - Planning and Development Regulations 2001 (as amended)**

*Development to which article 6 relates shall not be exempted development for the purposes of the Act –*

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

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

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
  - (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
  - (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
  - (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
  - (viiA) comprise of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No 2 of 1930)? As amended.
  - (viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
- (b) in an area to which a special amenity area order relates, if such development would be development —
- (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
  - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
  - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or
  - (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,
- (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive.

**Schedule 2, Part 1 Exempted Development – Development by Statutory Undertakers - Planning and Development Regulations 2001 (as amended)**

Class 26 allows for:

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

## 8. Precedent

In the submitted documentation, the Applicants provide details of numerous Section 5 Request for Declaration applications for similar development which have been decided on by other local authorities. The works were deemed to be exempted development.

Details are also provided of referral cases determined by An Bord Pleanála (ABP) where similar works were proposed:

- ABP referral RL3436
- ABP referral 302895
- ABP referral RL3364
- ABP referral RL3316

Notable High Court cases include:

- Rossmore Properties Ltd. – V – An Bord Pleanála & Ors [2014] IEHC 557
- McCabe – V – Coras Iompair Eireann & Anor [2006] IEHC 356.

The Applicants contest that the above ABP and High Court decisions support the Applicants view that the proposed works are exempted development.

The Planning Authority note the following determination of on ABP:

- ABP referral PL3503: provision of a connection between the 110kV substation of the Yellow River wind farm granted under An Bord Pleanála reference number 19.PA0032 and the National Grid at the adjoining Derryiron 110kV substation at Rhode, County Offaly is development and is exempted development.

## 9. Evaluation

### **Question: Are the proposed works considered as Development?**

The proposed works consist of the laying of a 220kv underground cable (approximately 110m in length) from the permitted 100MW BESS at Cloniffeen, Shannonbridge to the existing disused transformer bay at the Shannonbridge 220kv substation. It is considered that by reference to the borad definition of works set out in Section 2(1) and 3(1) of the Act that the proposal does constitute development for planning purposes.

### **Question: Are the proposed works considered as Exempted Development?**

As regards Section 4(2)(a)(i) of the Act and the Regulations made thereafter, the relevant class of development is Class 26, Part 1, Schedule 2 of the Regulations. This refers to *'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'*. The Planning Authority is satisfied that the proposal is *'a development consisting of the laying underground of cables for the purposes of the undertaking'*. With regard to additional



supporting works to existing infrastructure listed by the Applicant, exemptions provisions exist under Sections 4(1)(g) and 4(1)(h) of the Act.

Article 3(3) of the Regulations states that an electricity undertaking means an undertaker authorised to provide an electricity service. As discussed in Section 5 of this report, the Planning Authority is satisfied that EirGrid Plc fall within the category of statutory undertaker for the purposes of electricity transmission.

The Planning Authority is therefore satisfied that the works within the existing substation fall within the scope of Sections 4(1)(g) and 4(1)(h) of the Act while Class 26 of the Regulations covers the remainder of the proposed works.

#### Restrictions on Exempted Development

Section 4(4) of the Act essentially de-exempts any development which attracts a requirement for Environmental Impact Assessment (EIA) or Appropriate Assessment (AA).

In relation to EIA, the Applicant has submitted an EIA Screening Report for the proposed works. It is noted that this report concludes that given the scale, nature and location of the proposed development, a mandatory EIA or a sub-threshold EIA is not required. The Planning Authority would agree and given the limited nature and impact of the works, the proposed development, either individually or in combination with other plans or projects, is unlikely to have significant effects on the receiving environment.

With regard to the Habitats Directive, the Applicant has submitted an AA Screening Report which has been reviewed and deemed appropriate by Offaly County Council's Environment & Water Section. This report concludes that the proposed development does not lie within a Natura 2000 site and that based on *'the location, scale, extent and duration of the proposed development'*, the works would not be likely to give rise to significant effects. Based on the information provided with the application, the Planning Authority determine that the proposed development, either alone or in combination with other plans or projects would not likely to have significant effects on European sites in the vicinity and a Stage 2 AA is not required.

On this basis, the Planning Authority is satisfied that the development does not fall within the scope of Section 4(4) of the Act.

On the issue of Article 9 (1) De-Exemptions, the Planning Authority is satisfied that the proposed development does not fall within the scope of the listed de-exemptions. The Applicant has provided a detailed assessment against the relevant sections of Article 9 in Section 6 of the submitted planning report and the Planning Authority agrees with their conclusion.

The Planning Authority is satisfied that the development does not impact on archaeological or other sites of interest that are subject of preservation / conservation objectives Article 9(1)(a)(vii) and (viiA).

The conclusion above in relation to AA and EIA refer in context of Article 9(1)(a), (viiB) and 9(1)(c).

## 10.Recommendation

**WHEREAS** a question has arisen as to whether:

*The laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation is development and is or is not exempted development at Cloniffeen, Shannonbridge, Co. Offaly.*

**AND WHEREAS** Offaly County Council, in considering this declaration request, had regard particularly to -

- (a) Sections 2(1), 3(1), 4(1), 4(2)(a), 4(4), 172(1) and 172(U)(9) of the Planning & Development Act 2000 (as amended)
- (b) Articles 3, 6 and 9 and Class 26, Part 1, Schedule 2 of the Planning & Development Regulations (as amended)
- (c) The nature and extent of the proposed works.

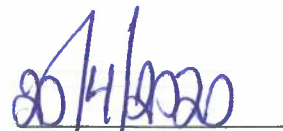
**AND WHEREAS** Offaly County Council has concluded that –


The proposed works is **development** and is **exempted development**.


**NOW THEREFORE** Offaly County Council, in exercise of the powers conferred on it by Section 5 (2) of the Planning and Development Act, as amended, hereby decides;

*The laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation is development and is exempted development at Cloniffeen, Shannonbridge, Co. Offaly.*

  
Una McCafferkey  
Assistant Planner

  
Date

  
Carroll Melia  
(A/Senior Executive Planner)

  
Date

**APPROPRIATE ASSESSMENT SCREENING  
REPORT FOR PLANNING APPLICATIONS**

Screening is used to determine if an AA is necessary by examining:

- If the plan / project is directly connected with / necessary to the management of the European site.
- If the effects will be significant on a European site in view of its conservation objectives, either alone / in combination with other plans / projects.



Planning Authority: OCC

Section 5 Declaration Ref. No: DEC 20/06

(A) DESCRIPTION OF PROJECT AND LOCAL SITE:			
Proposed development:	Laying of a proposed underground cable and associated works including incidental temporary construction works and the installation of electrical components from the permitted battery energy storage system at Cloniffeen, Shannonbridge to the existing disused transformer bay at Shannonbridge 220kv substation is development and is or is not exempted development.		
Site location:	Cloniffeen, Shannonbridge, Co. Offaly.		
Site size:	Unknown	Floor Area of Proposed Development:	110m of 220kv underground cabling
Identification of nearby European Site(s):	River Shannon Callows SAC – 0.24km Middle Shannon Callows SPA – 0.24km		
Distance to European Site(s):	As above		
The characteristics of existing, proposed or other approved plans / projects which may cause interactive / cumulative impacts with the project being assessed and which may affect the European site:	None		
Is the application accompanied by an EIS?	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	
(B) IDENTIFICATION OF THE RELEVANT EUROPEAN SITE(S):			
The reasons for the designation of the European site(s):	<p><b>River Shannon Callows SAC – features of interest include:</b></p> <ul style="list-style-type: none"> <li>• Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410]</li> <li>• Lowland hay meadows (Alopecurus pratensis, Sanguisorba officinalis) [6510]</li> <li>• Limestone pavements [8240]</li> <li>• Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</li> <li>• Lutra lutra (Otter) [1355]</li> </ul> <p><b>Middle Shannon Callows SPA – features of interest include:</b></p> <ul style="list-style-type: none"> <li>• Whooper Swan (Cygnus cygnus) [A038]</li> <li>• Wigeon (Anas penelope) [A050]</li> <li>• Corncrake (Crex crex) [A122]</li> <li>• Golden Plover (Pluvialis apricaria) [A140]</li> <li>• Lapwing (Vanellus vanellus) [A142]</li> <li>• Black-tailed Godwit (Limosa limosa) [A156]</li> <li>• Black-headed Gull (Chroicocephalus ridibundus) [A179]</li> <li>• Wetland and Waterbirds [A999]</li> </ul>		
The conservation objectives / qualifying interests of the site and the factors that contributes to the conservation value of the site: (which are taken from the European site synopses and, if applicable, a Conservation Management Plan; all available on <a href="http://www.npws.ie">www.npws.ie</a> ) <b>(ATTACH INFO.)</b>			
PLEASE SEE SITE SYNOPSIS and CONSERVATION OBJECTIVES SHEET ATTACHED.			

**(C) NPWS ADVICE:**

Advice received from NPWS over phone:

None Received

Summary of advice received from NPWS in written form (ATTACH SAME):

None Received

**(D) ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS:***(The purpose of this is to identify if the effect(s) identified could be significant – if uncertain assume the effect(s) are significant).*

If the answer is 'yes' to any of the questions below, then the effect is significant. (Please justify your answer. 'Yes' / 'No' alone is insufficient)

**Would there be...**

... any impact on an Annex 1 habitat? (Annex 1 habitats are listed in Appendix 1 of AA Guidance).

Not likely due to the location and type of development. The site is sufficient distance from the European site.

... a reduction in habitat area on a European site?

There will be no reduction in the habitat area. The site is sufficient distance from the European site.

... direct / indirect damage to the physical quality of the environment (e.g. water quality and supply, soil compaction) in the European site?

Not likely due to the location and type of development. The site is sufficient distance from the European site.

... serious / ongoing disturbance to species / habitats for which the European site is selected (e.g. because of increased noise, illumination and human activity)?

Not likely due to the location and type of development. The site is sufficient distance from the European site.

... direct / indirect damage to the size, characteristics or reproductive ability of populations on the European site?

None likely due to the location and type of development. The site is sufficient distance from the European site.

Would the project interfere with mitigation measures put in place for other plans / projects. [Look at *in-combination effects* with completed, approved but not completed, and proposed plans / projects. Look at projects / plans within and adjacent to European sites and identify them]. Simply stating that there are no cumulative impacts' is insufficient.

The proposal would not interfere with mitigation measures put in place with other plans/project. The site is sufficient distance from the European site.

**(E) SCREENING CONCLUSION:****Screening can result in:**

1.

AA is not required because the project is directly connected with / necessary to the nature conservation management of the site.

2.

No potential for significant effects / AA is not required.

3.

Significant effects are certain, likely or uncertain. (In this situation seek a Natura Impact Statement from the applicant, or reject the project. Reject if too potentially damaging / inappropriate.

Therefore, does the project fall into category 1, 2 or 3 above?

Category 2

Justify why it falls into relevant category above:

OCC's Environment &amp; Water Services Section has viewed AA Screening Report and confirmed that its findings acceptable. There would be no likely significant impact on the European sites from the proposed development due to the scale of the proposed development and the separation distance between the subject site and European sites.

Name:

Una McCafferkey

Position:

Assistant Planner

Date:

20<sup>th</sup> April 2020