



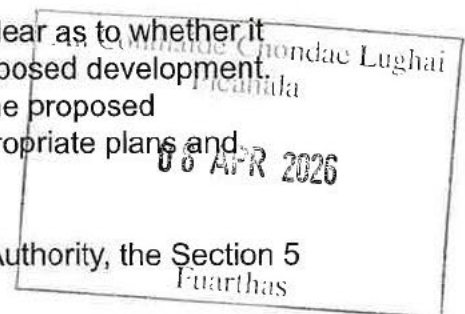
Section 5 Declaration - Application Form

Declaration as to whether development constitutes Exempted Development

Please read "Guidance Notes" before completing this form

Guidance Notes

1. The purpose of Section 5 of the Planning and Development Act 2000, as amended, is to establish if a particular development is or is not development and if it is or is not exempted development within the meaning of the Planning Act.
 - (a) A person seeking a determination must ensure under Question 7 (of the application form below) that a question is posed and that the question is clear, for example, is the construction of a shed development and is it or is it not exempted development. Details are then required of the shed so the planning authority can determine if the shed is exempt.
 - (b) The question to be determined should be clear as to whether it relates to an existing development or a proposed development. Details of the nature, size and location of the proposed development should be submitted and appropriate plans and elevations.
 - (c) If the question is not clear to the Planning Authority, the Section 5 application will be returned as invalid.
2. Any person may, on payment of the prescribed fee, currently €80.00 request in writing from the Planning Authority a declaration on a question as whether a particular type of development is exempt.
3. The Planning Authority is required to make a decision within 4 weeks of receipt of a valid Declaration Request however the Planning Authority can also request Additional Information if it is considered that insufficient information has been submitted.
4. Any person issued with a declaration may, on payment to the Board of such fee as may be prescribed, currently €220.00 refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.



5. A planning authority is required to consider whether the development or proposed development identified in the request would be likely to have significant effects on the environment by virtue, at the least, of the nature, size or location of such development.

Section 5 Declaration - Application Form

1. Name and address of person seeking the declaration:

BWH Investments Limited, Springfield, Wallaces Road, Blackrock, County Louth

Phone Number: [REDACTED]

E-Mail: [REDACTED]

2. Name and address of agent (if any):

Stephen Ward Town Planning & Development Consultants Limited, Jocelyn House, Jocelyn Street, Dundalk, Co. Louth

Phone Number [REDACTED] E-Mail: [REDACTED]

3. Name and address for all correspondence (if not completed, correspondence will be sent to person seeking declaration)

Please address all correspondence to S. Ward & Co at the above address.

4. Interest in site of the person seeking declaration:

Owner

(If applicant is not freehold owner of the property in question, please provide name and address of owner if known)

5. Location and full address of development referred to in Question 7

Edenhill and Edendhill Mews, The Loakers, Bothar Maol/Blackrock Road, Dundalk, Co. Louth

6. Eircode OR Grid Co-ordinates must be submitted. Grid references may be found on Google Maps or at <https://irish.gridreferencefinder.com>

306846 /304562

7. Question for determination under Section 5 (See Note 1 above). The question must be framed in the following format, i.e. Is the construction of a shed development and is it or is it not exempted development:

Please refer to enclosed cover letter and report by Stephen Ward Town Planning and Development Consultants Limited.

8. Does the development consist of works to be carried out to an existing or proposed protected structure? Yes No

If Yes, has a Declaration under Section 57 of the Planning and Development Act 2000 been requested or issued for the property by the Planning Authority?

N/A

I certify that the aforementioned is correct.

Signature of Applicant (Agent)



Stephen Ward

Date: 7th April 2026

Please include one copy of the following documents with this application form:

- **Site Location Map:** (Scale 1:1000)
- **Site Layout Map:** (Scale 1:200 or 1:500)
- **Floor Plans & Elevations:** (Scale 1:50, 1:100 or 1:200)
Existing & Proposed, where applicable
- **Application fee:** (€80)

Completed Application Form & Fee of €80.00 may be sent to:

**Planning Office, Louth County Council, Town Hall, Crowe Street,
Dundalk, County Louth, A91W20C**

OR

**by email to planninggroup@louthcoco.ie with contact details to arrange
payment of fee.**

NOTE: THESE DRAWING ARE FOR PLANNING APPLICATION PURPOSES ONLY.

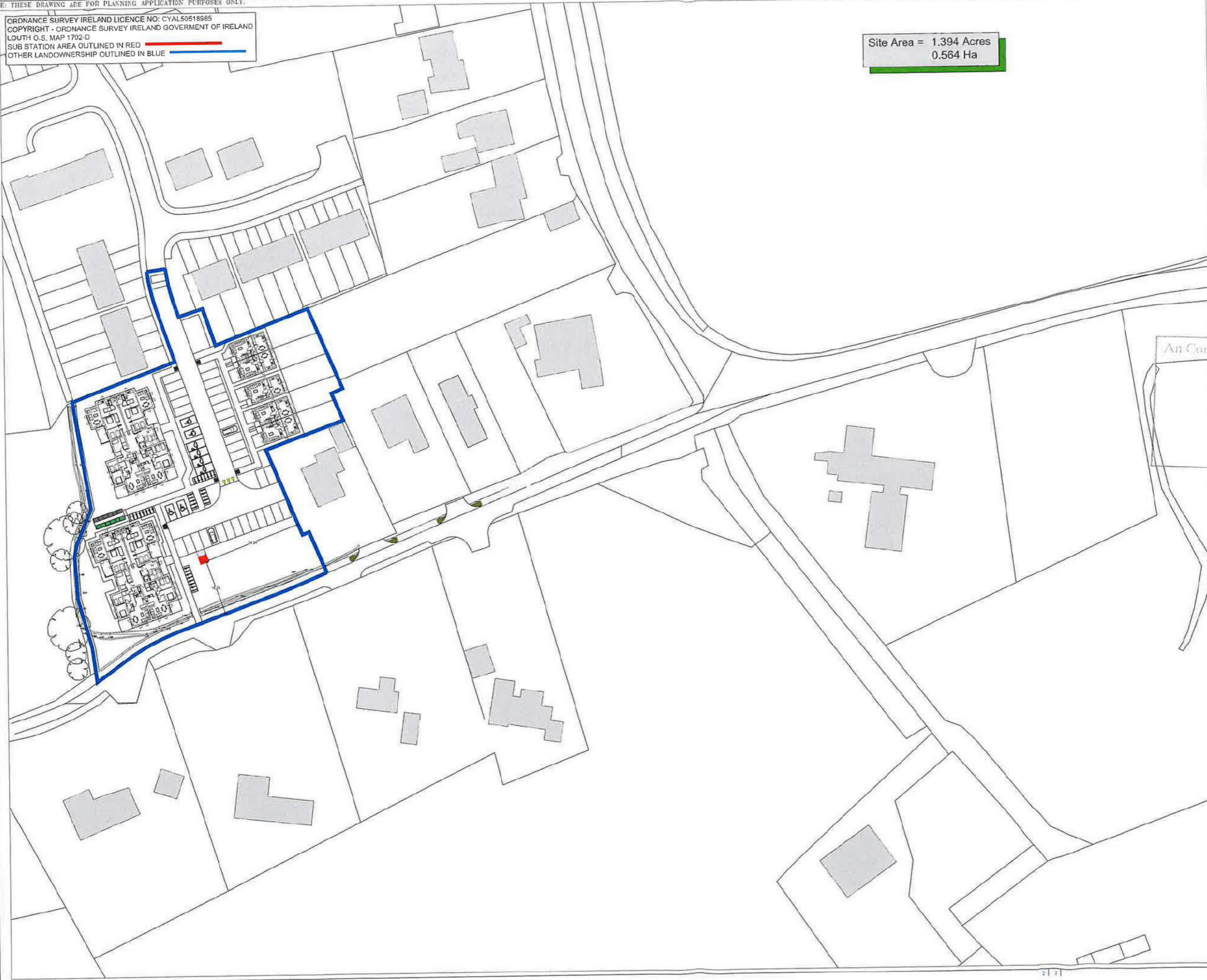
ORDNANCE SURVEY IRELAND LICENCE NO: CYAL50518985
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LOUTH O.S. MAP 1702-D
SUB STATION AREA OUTLINED IN RED
OTHER LANDOWNERSHIP OUTLINED IN BLUE

Site Area = 1.394 Acres
0.564 Ha

- 1. ALL DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
- 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR OF SITE.
- 3. EXISTENCES TO BE OBTAINED BY THE CONTRACTOR BEFORE ANY WORK COMMENCES.
- 4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND SPECIFICATIONS.
- 5. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW IRELAND BUILDING REGULATIONS AND LOCAL AUTHORITY'S REQUIREMENTS.
- 6. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW IRELAND BUILDING REGULATIONS FOR THE 2020-2025.



An Comhairle Chiondaic Lughal
Pleanála
08 APR 2026
Fuarthas



Client
B.W.H INVESTMENTS LIMITED

Project
SECTION 5 APPLICATION

Job Description
ESP ELECTRICAL KIOSK WITHIN AN APPROVED RESIDENTIAL DEVELOPMENT AT EDENHILL, THE LOAKERS, BLACKROCK, CO. LOUTH



Title
SITE LAYOUT PLAN

Drawn By S. McCoy	Checked By P. HERR	Date 26-02-2026	Scale 1 : 600
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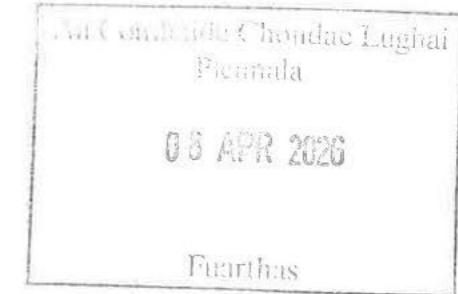
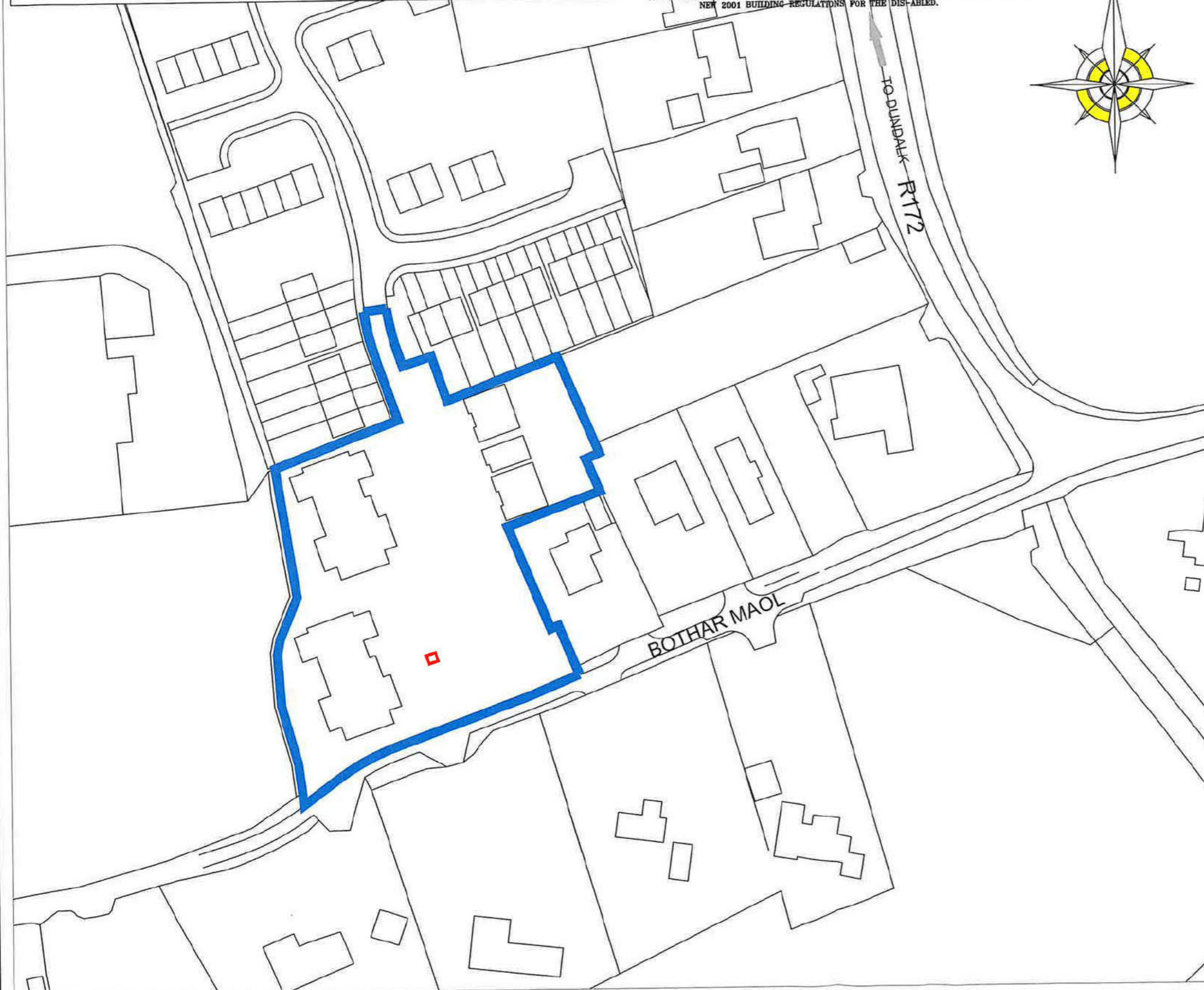
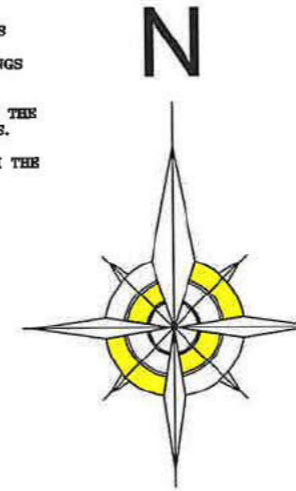
P. HERR & ASSOCIATES
CIVIL ENGINEERS & BUILDING SURVEYORS
TEL 042 9330059 BLOCK 4, THIRD FLOOR
FAX 042 9331832 QUAYSIDE BUSINESS PARK
EMAIL: info@pherr.ie 10/11 STREET
WEB: www.pherr.ie DUNDALK, CO. LOUTH
A93 KASH, IRELAND

FILE REF	DRAWING No	REVISION
3916A-SEC5-002		

NOTE: THESE DRAWING ARE FOR PLANNING APPLICATION PURPOSES ONLY.

ORDNANCE SURVEY IRELAND LICENCE NO: CYAL50518985
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 LOUTH O.S. MAP 1702-D
 SUB STATION AREA OUTLINED IN RED 
 OTHER LANDOWNERSHIP OUTLINED IN BLUE 

- Notes:
1. FIGURED DIMENSIONS ONLY TO BE TAKEN FROM THIS DRAWING.
 2. ALL DRAWINGS TO BE CHECKED BY THE CONTRACTOR ON SITE.
 3. ENGINEER TO BE INFORMED OF ANY DISCREPANCIES BEFORE ANY WORK COMMENCES
 4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS AND DOCUMENTATIONS.
 5. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 1997 BUILDING REGULATIONS AND LOCAL AUTHORITY'S REQUIREMENTS.
 6. ALL MATERIALS & METHODS OF CONSTRUCTION TO BE IN STRICT ACCORDANCE WITH THE NEW 2001 BUILDING REGULATIONS FOR THE DIS-ABLED.



Client

B.W.H INVESTMENTS LIMITED

Project

SECTION 5 APPLICATION

Job Description

ESB ELECTRICAL KIOSK WITHIN AN APPROVED RESIDENTIAL DEVELOPMENT AT EDENHILL, THE LOAKERS, BLACKROCK, CO. LOUTH

Title

SITE LOCATION MAP

Drawn By
S McCOY

Checked By
P. HERR

Date
26-02-2026

Scale
1 : 1000

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P. HERR & ASSOCIATES

CIVIL ENGINEERS & BUILDING SURVEYORS

TEL 042 9330019

FAX 042 9331832

E-MAIL - info@pherr.ie

WEB - www.pherr.ie

BLOCK 4, THIRD FLOOR

QUAYSIDE BUSINESS PARK

MILL STREET

DUNDALK, Co. LOUTH

A91 KA9R, IRELAND

FILE REF
Building Name

DRAWING No

3916A-SEC5-001

REVISION



NETWORKS

esbnetworks.ie

ESB Networks
An Ascaill Fhada, Dún Dealgán, Co. Lú, A91 HT95, Éire
Fón 1800 372 757

ESB Networks
The Long Avenue, Dundalk, Co. Louth, A91 HT95, Ireland
Phone 1800 372 757

**P. Herr & Associates,
Block 4, Third Floor,
Quayside Business Park,
Mill Street,
Dundalk,
Co. Louth
A91 KA9R**

Date: 12th March 2026

Re: Edenhill, The Loakers, Blackrock, Co. Louth

To Whom It May Concern,

On behalf of ESB Networks, I confirm that the ESB unit substation (0624405 – Edenhill) located at the Loakers in Blackrock, Co. Louth is used for the distribution of electricity at what is considered to be LV (Low Voltage) level and does not exceed a nominal value of 20kV.

The electrical equipment is housed in a prefabricated metal kiosk that measures approx. 2.0m (depth) x 2.1m (width) x 1.95m (height), the internal volume of which will not exceed 11 cubic metres. This shall be located on a hard-standing plinth with clear access (person & vehicle) to the double doors at the front for maintenance.

As outlined under Class 29 in the Planning and Development Regulations 2001, the carrying out of any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) including a mini pillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV are considered to be exempt from the requirement of planning permission.

Yours sincerely,

**Shane Owens
Design Manager East, ESB Networks
Customer and Project Delivery North Division
Delivery Assurance North**

ESB Networks
The Long Avenue
Dundalk
Co. Louth
A91 HT95

Email



Screening for Appropriate Assessment

BHW Developments Ltd.
The Loakers, Blackrock Road
Dundalk, Co. Louth

An Comhaide Chondac Lughai
Pleanála

08 APR 2026

Fuarthas



Document Issue			
Rev.	Date	Status	Job Ref. No.
v.1	30.03.26	FINAL	0233

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1.0 INTRODUCTION.

- 1.1 EHP Services has been appointed by BHW Developments Ltd. to carry out the following Appropriate Assessment screening exercise in support of the proposed development which is the subject of a Section 5 Declaration application to be submitted to Louth County Council.
- 1.2 The purpose of this screening exercise is to assess whether or not the proposed development poses any potential threat of impact to any European site comprising the Natura 2000 site network and therein justifying the implementation of a Stage 1 Appropriate Assessment or Stage 2 Appropriate Assessment (Natura Impact Statement).
- 1.3 This report has been prepared in accordance with the provisions and requirements of the Planning and Development Act 2000 (as amended) and of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (hereafter referred to as the Habitats Directive) which states:

Article 6(3): Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the [Natura 2000] site in view of the [Natura 2000] site's conservation objectives.

2.0 LEGISLATIVE CONTEXT.

- 2.1 The Habitats Directive provides legal protection for habitats and species of European importance. The Directive's overall aim is to maintain or restore the 'favourable conservation status' of identified habitats and species of interest. These habitats and species are listed in the Habitats Directive (Council Directive 92/43/EEC) and the Birds Directive (Council Directive 2009/147/EC) within Natural Heritage Areas (NHAs), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable. These three conservation designations are collectively known as European sites and the Natura 2000 site network and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.
- 2.2 Appropriate Assessment is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act 2000 (as amended).
- 2.3 Appropriate Assessment is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site.
- 2.4 The European Commission's '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' and 'Appropriate Assessment of plans and projects in Ireland - Guidance for planning Authorities' documents in addition to the DoEHLG's 2002 'Managing Natura 2000 Sites - the provisions of Article 6 of the Habitats Directive 92/43/EEC' guidance advocate a four stage approach to completing Appropriate Assessment with associated testing at each stage.

- 2.5 Underscoring each stage is the premise that the outcome of that stage of assessment dictates whether a subsequent stage should be progressed to as illustrated in Figure 1 below.

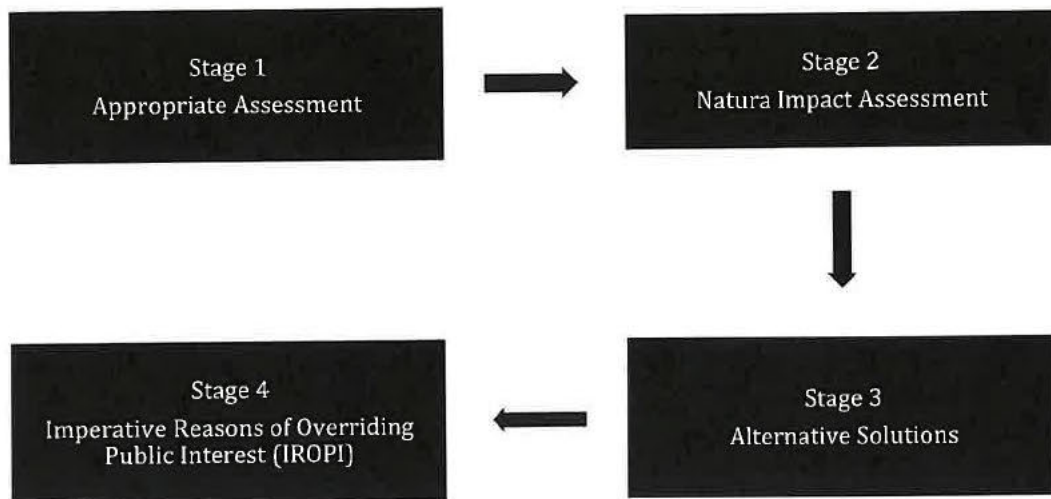


Figure 1 – Stages of Appropriate Assessment.

Stage 1 - Appropriate Assessment Screening is the process which identifies the likely impacts upon a Natura 200 site by a plan or project, either alone or in combination with other plans or projects and consider whether such impacts are likely to be significant.

Stage 2 – Natura Impact Statement is the stage where the extent of impacts identified in Stage 1 are considered against the integrity of the Natura 2000 site, either alone or in combination with other plans or projects, with respect to the site’s structure, function and its conservation objectives.

Stage 3 – Assessment of Alternative Solutions is the stage which examines alternative mechanisms of achieving the objectives of the plan or project which avoids an adverse impact on the integrity of the Natura 2000 site.

Stage 4 – Assessment of Imperative Reason of Overriding of Public Interest (IROPI) is the process by which an assessment of compensatory measures is considered where imperative reasons of overriding public interest exist to justify and permit the plan or projects in light of identified significant impact upon the Natura 2000 site.

- 2.6 This screening exercise will assesses and determine if there are sufficient, justifiable grounds to progress to and carry out a Stage 1 Appropriate Assessment in accordance with the aforementioned guidelines.

3.0 ASSESSMENT METHODOLOGY.

- 3.1 The assessment of potential effects upon a European site is carried out using a ‘Source-Pathway-Receptor’ (SPR) analysis framework with reference to a) the nature, size and location of the proposed development; b) the sensitivities of the ecological receptors and c) the potential for cumulative impacts/in-combination effect. The Office of the Planning Regulators’ Practice Note PN01 - *Appropriate Assessment Screening for Development Management* (2021) advises that in order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of these elements of the model is sufficient to conclude that a potential effect is not of any relevance or significance.

- 3.2 Within context of a SPR analysis a 'Source' may be considered as any identifiable element of a proposed development project or provision of any strategic development plan that is known to interact with ecological processes (e.g. the generation of any visual and/or acoustic stimuli or environmental disturbance). A 'Receptor' may be considered any species of Special Conservation Interest (SCI) within a SPA or species of Qualifying Interest (QI) in Special Conservation Areas (SCAs) for which conservation objectives have been set for the European sites being screened. A 'Pathway' may be considered as any natural or man-made conduit connecting the 'Source' to the 'Receptor'.
- 3.3 This report has been prepared taking into account legislation including the aforementioned legislation and guidance including the following:
- *'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities'*, Department of the Environment, Heritage & Local Government (2009), Rev. 2010;
 - *'Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats Directive 92/43/EEC'*, European Commission (2018);
 - *'Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC'*, European Commission Notice, Journal of the European Union (2021);
 - Practice Note PN01 *'Appropriate Assessment Screening for Development Management'*, Office of the Planning Regulator (2021);
 - *'Managing Natura 2000 Sites – The provisions of Article 6 of the Habitats Directive'*, European Commission (2018);
 - Circular NPW 1/10 and PSSP 2/10 *'Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities'*, National Parks & Wildlife Service (2010);
 - *'Guidance document on the strict protection of animal species of Community interest under the habitats Directive 92/43/EEC'*, European Commission (2007);
 - *'The Status of EU Protected Habitats and Species in Ireland'*, National Parks & Wildlife Services (2025);
- 3.4 A desk top study of the following information sources was carried out to collate available information on the subject site and surrounding environment in order to establish existing habitats and floral and faunal species within:
- National Parks and Wildlife (NWPS) – GIS database, Conservation Objectives supporting documents and site synopsis;
 - CFRAM – Potential flooding mapping system;
 - National Biodiversity Centre (NBDC) web mapper;
 - Geological Survey Ireland (GSI) groundwater vulnerability mapping system; and
 - Environmental Protection Agency (EPA) - online resources.
- 3.5 A site inspection was carried out on the 30th March 2026 in advance of completing this Appropriate Assessment Screening Report. All habitats within and adjacent to the application site were readily identifiable during the site visit. Habitats were identified in accordance with the Heritage Council's 'Guide to Habitats in Ireland' (Fossitt, 2000).

4.0 DESCRIPTION OF THE SUBJECT SITE.

- 4.1 The following section describes the physical condition of the subject site and provides a description of any floral and/or faunal species observed during the site inspection carried out on the 30th March 2026.

Site Description.

- 4.2 The subject site is located within an active construction site to the south of The Loakers estate off the Blackrock Road (see Figure 2 below) approved under planning ref. no. 211032 and appeal ref. no. ABP-311776-21. The site comprising of the proposed ESB kiosk and concrete base will measure 10.56m² in area and will sit in the north-western corner of what will be the finished development's public open space.
- 4.3 Whereas the three approved multi-storey residential blocks have been substantially completed the centre of the new residential development; including the access road, footpaths, parking spaces, amenity space and landscaping; have yet to be constructed. The northern and southern boundaries of the construction compound are enclosed behind 2m high metal security fencing and screening panels. The eastern boundary is defined by the concrete block and plastered walls that define adjoining residential properties. The site's western boundary comprises of mature trees along an exposed drainage ditch that have been retained as part of the approved site layout.
- 4.4

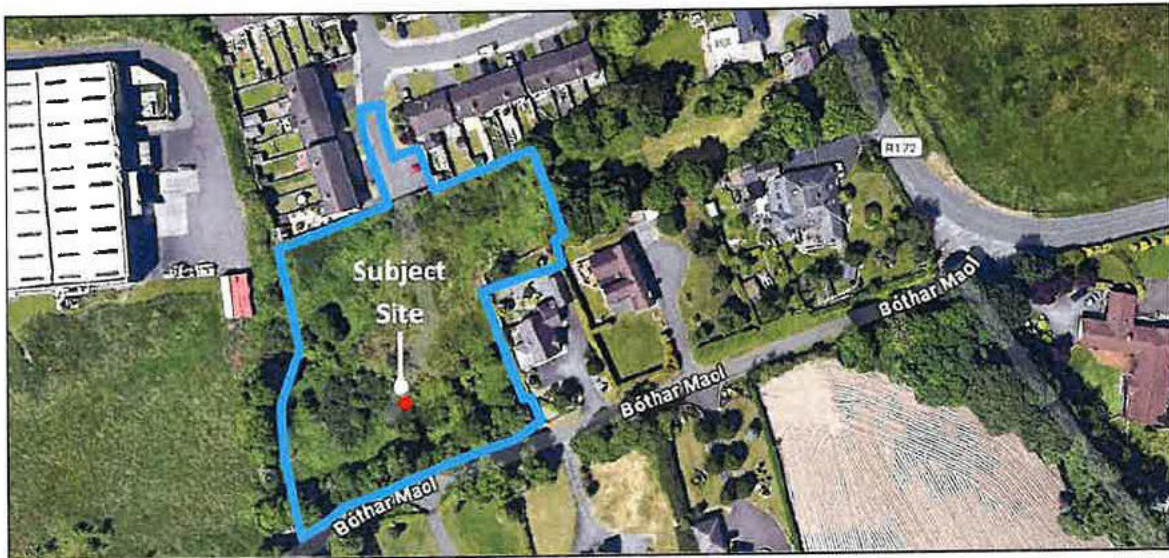


Figure 2 – Site Location Map.

Source: www.google.com (2026)

Site Floral.

- 4.5 The subject site, being located in the centre of an active construction site, has had its previous, heavily overgrown and unmanaged vegetation cover removed at the commencement of current building works. The subject site and construction compound subsequently have no floral species of significance or note.

Site Fauna.

- 4.6 As the subject site is located within an active construction site no faunal species were evident or observed during the site inspection. The unfinished nature of the subject site would preclude it from attracting any faunal species. However within The Loakers and along Bóthar Maol leading to the subject site a variety of songbirds were overheard during the site inspection. Identification of these species was not possible as none were observed directly. However given the predominately residential character of the surrounding area it is likely such birds were common garden species attracted to the adjoining hedgerows, trees and private amenity spaces.

Ecological Evaluation.

- 4.7 The subject site is of no ecological value or interest in its current form. This will change and improve with the development's completion and implementation of the approved landscaping proposed throughout the scheme.

- 4.8 The dry ditch running along the site's western boundary represent a small distinct habitat could accommodate a good variety of invertebrate species that will act as prey species for insect-eating birds. The trees along this boundary can also act as nesting and perching sites for a variety of bird species. No invasive floral or faunal species were observed during the site inspection.
- 4.9 Using Fossitt's (2000)¹ habitat classification system the application site can be described as a BL3 - Buildings and Artificial Surfaces habitat. The site's western boundary trees meet the definition of a WL2 – Treeline habitat. The subject site is not within or associated with the management of any of the adjoining European sites comprising the Natura 2000 site network.

5.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT.

- 5.1 The Section 5 Declaration application relates to a proposed ESB sub-station located in the north-western corner of the public open space serving a recently constructed extension of The Loakers estate (see Figure 3 below). The sub-station will be used of the distribution of low voltage (LV) electricity to the immediate residential properties.
- 5.2 The pre-fabricated sub-station kiosk will measure 2.4m wide x 19.9m high x 2.1m deep (see Figure 4 overleaf) set on a concrete plinth. It will occupy 10.56m² of the finished development's public open space. The freestanding structure will be externally finished in grey coloured rendered walls with pressed metal capping and have double metal access/maintenance doors opening out onto a forward (north) facing concrete base.

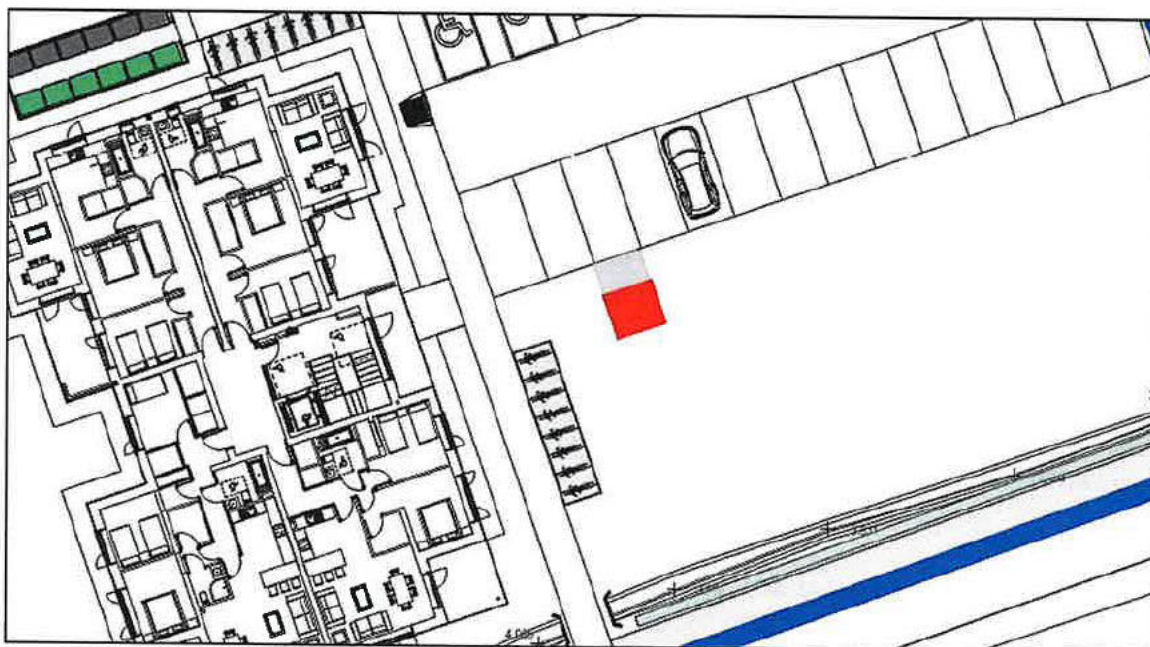


Figure 3 – Proposed Site Layout Plan.

Source: Drawing No. 3916A-SEC5-004 © P. Herr & Associates (2026)

¹ Fossitt, J.A. (2000), 'A Guide to Habitats in Ireland', The Heritage Council.

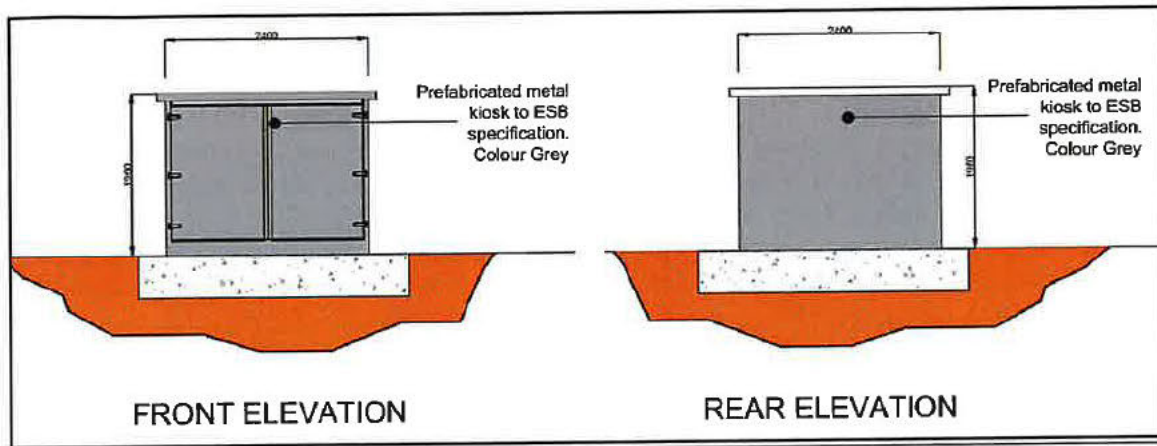


Figure 4 – Proposed Front & Rear Elevations.

Source: Drawing No. 3916A-SEC5-004 © P. Herr & Associates (2026)

6.0 SCREENING FOR APPROPRAITE ASSESSMENT.

Identification of Relevant European Sites.

- 6.1 The DoEHLG's 2009 guidance on the Appropriate Assessment of Plans and Projects recommended consideration of potential effects upon designated conservation areas within 15km of the site of proposed development. The Office of the Planning Regulators' PN01 - *Appropriate Assessment Screening for Development Management* (2021) advises this need not necessarily be limited to a 15km radius and should be established on a case-by-case basis using the 'Source-Pathway-Receptor' (SPR) analysis framework with reference to the nature, size and location of the proposed development, the sensitivities of the ecological receptors, the potential for cumulative impacts / in combination effects and the identification of a pathway/conduit connecting the 'Source' to the 'Receptor'. The resulting Zone of Influence (Zoi) of a proposed development is defined in PN01 (2021) as the geographical area over which a proposal could affect the receiving environment in a way that could be of significant effect upon the Qualifying Interests of a European site. The identification of risk does not automatically mean that an effect will occur, that it will be significant or that it has the potential to impact the Qualifying Interests of a European site. As noted in para. 3.1 above PN01 (2021) advises that in order for an effect to be established all three elements of the 'Source-Pathway-Receptor' (SPR) analysis framework must be in place.
- 6.2 Through a combination of natural and anthropogenic factors the likely Zone of Influence (Zoi) need not include every designated conservation area identified in Figure 5 overleaf. For example the subject site is located geographically close to the Carlingford Mountains Special area of Conservation [Site Code: 000453]. However it is located at some distance and at higher elevation from the subject site. It is not physically and functionally connected to the subject site which implies the proposed development is unlikely to have any potential and quantifiable environmental effect upon this designated conservation area; the Qualifying Interest (QI) species within or in the delivery of its conservation objectives. The same principle can be used in dismissing the majority of conservation sites identified in Figure 5 overleaf. However using an SPR of the subject site identifies the following factors. The proposed development alone or in combination with the remaining construction works being carried out may be classified as a 'Source' of potential impact. The field drain running parallel to the subject site's western boundary is connected to Dundalk Bay via a series of piped and exposed drains. This is sufficient to qualify as a 'Pathway'. At it's closest is located 335m (approx.) to the west of the subject site.
- 6.3 Within context of this screening exercise the European sites comprising the Zone of Influence (Zoi) that will be the focus of this assessment will include Dundalk Bay Special Protection Area [Site Code: 004026] and the Special Area of Conservation [Site Code: 000455].

Dundalk Bay SPA Site Description.

- 6.4 Dundalk Bay is a large shallow, east facing sea bay that extends approximately 16km from Castletown River on the Cooley Peninsula in the north to Annagassan/Salterstown in the south. The bay is shallow and open to the Irish Sea being partially sheltered by the Cooley Peninsula along the northern side and Dunany Point in the south. The site includes a rich diversity of habitats such as marine waters, saltmarshes, estuaries, extensive sand and mud flats and stony, sandy and shingle beaches. The extensive intertidal flats have a rich fauna of bivalves, molluscs, marine worms and crustaceans which provides the food resource for most of the wintering waterfowl. The salt marshes, which occur in four main areas at Lurgangreen, Marsh North/South, Dundalk Harbour/Ballymascanlon Bay and Bellurgan.

Qualifying Features of Dundalk Bay SPA

- 6.5 The species and habitats of qualifying interest within Dundalk Bay SPA are set out in Table 1 below.

Table 1 – Qualifying Species & Conservation Objectives of Dundalk Bay SPA		
European site and distance from subject site	Qualifying Interest/Special Conservation Interest for which the European site has been designated (Source: NPWS Conservation Objectives Documents www.npws.ie 21.06.23)	Conservation Objective
<p>Dundalk Bay Special Protection Area</p> <p>[Site Code: 004026]</p> <p>Distance – 0.335km</p>	<ul style="list-style-type: none"> • Greylag Goose <i>Anser anser</i> [A043] • Light-bellied Brent Goose <i>Branta bernicla hrota</i> [A046] • Red-breasted Merganser <i>Mergus serrator</i> [A069] • Great crested Grebe <i>Podiceps cristatus</i> [A005] • Oystercatcher <i>Haematopus ostralegus</i> [A130] • Golden Plover <i>Pluvialis apricaria</i> [A140] • Knot <i>Calidris cantus</i> [A143] • Dunlin <i>Calidris alpina</i> [A149] • Black-tailed Godwit <i>Limosa limosa</i> [A156] • Curlew <i>Numenius arquata</i> [A160] • Redshank <i>Tringa totanus</i> [A162] • Black-headed Gull <i>Chroicocephalus ridibundus</i> [A179] • Shelduck <i>Tadorna tadorna</i> [A048] • Teal <i>Anas crecca</i> [A052] • Mallard <i>Anas platyrhynchos</i> [A053] • Pintail <i>Anas acuta</i> [A054] • Common Scoter <i>Melanitta nigra</i> [A065] • Bar-tailed Godwit <i>Limos lapponica</i> [A157] • Ringed Plover <i>Charadrius hiaticula</i> [A137] • Grey Plover <i>Pluvialis squatarola</i> [A141] • Lapwing <i>Vanellus vanellus</i> [A142] • Common Gull <i>Larus canus</i> [A182] • Herring Gull <i>Larus argentatus</i> [A184] • Wetlands & Water Birds [A999] 	<ul style="list-style-type: none"> • To maintain the favourable conservation condition of the named species in the Dundalk Bay SPA. • To maintain the favourable conservation condition of the wetland habitat of Dundalk Bay SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

Dundalk Bay SAC Site Description.

- 6.6 The SAC covers most of Dundalk Bay and includes extensive intertidal and sub-tidal areas seaward of the saltmarsh and some adjacent wet grasslands adjacent to the Castletown and Ballymascanlon River estuaries. The site is also internationally important for wintering waders and wildfowl that are attracted to these intertidal habitats. Three Annex I saltmarsh habitats are located with the Dundalk Bay SAC including *Salicornia* flats, Atlantic salt meadows and Mediterranean salt meadows.

Qualifying Features of Dundalk Bay SAC.

6.7 Table 2 below sets out the qualifying interest species and habitats found within Dundalk Bay SAC.

Table 2 – Qualifying Species & Conservation Objectives of Dundalk Bay SAC		
European site and distance from subject site	Qualifying Interest/Special Conservation Interest for which the European site has been designated (Source: NPWS Conservation Objectives Documents www.npws.ie 21.06.23)	Conservation Objective
<p>Dundalk Bay Special Area of Conservation</p> <p>[Site Code: 000405]</p> <p>Distance – 0.335km</p>	<ul style="list-style-type: none"> • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Perennial vegetation of stony banks [1220] • <i>Salicornia</i> and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritima</i>)[1410] 	<ul style="list-style-type: none"> • To maintain the favourable conservation condition of the named habitat type in the Dundalk Bay SAC.

Other Plans and Projects.

6.8 Article 6(3) of the Habitats Directive requires the assessment of a development proposal to include any other plan or project that might, in combination, have the potential to adversely affect a European site. A review of extant grants of planning permission was carried out in a pattern radiating 350m from the subject site. Given the application site's peripheral yet urban location a radius of 350m is considered more than sufficient to provide a representative sample of existing permissions which will be considered in combination with the development proposal. Table 3 below summarises these permissions and any other strategic plan or project that may have a collective effect on the development proposal's potential environmental impact.

Table 3 - Extant Grants of Planning Permissions & Strategic Plan or Project			
<i>Planning Permissions</i>			
Ref. No.	Applicant	Development	Decision
211032	BHW Developments Ltd.	Construction of 29no. residential units, bicycle and vehicular parking, public amenity space, access road and footpaths, street lighting, landscaping and associated site development works.	Approved at appeal (Ref. No. ABP-311776-21) 28.04.23
211473	John and Aoife Henry	Construction of a single storey detached garage / home gym and associated site works.	Approved 16.05.22
23468	Padraig and Anna Herr	Retention permission for a first floor extension to dwelling and associated site development works.	Approved 26.02.24
2460037	Brendan McGahon	Subdivision of ground floor Unit 2 into 2no. separate units.	Approved 08.04.24
2560574	Ivan and Paula Bishoff	Retention of boundary wall and associated site development works.	Approved 01.12.25
2560651	John and Aoife Henry	Alterations to existing vehicular entrance and associated site development works.	Approved 14.01.26
<i>Strategic Plan of Project</i>			
Draft Louth County Development Plan 2027-2033.			

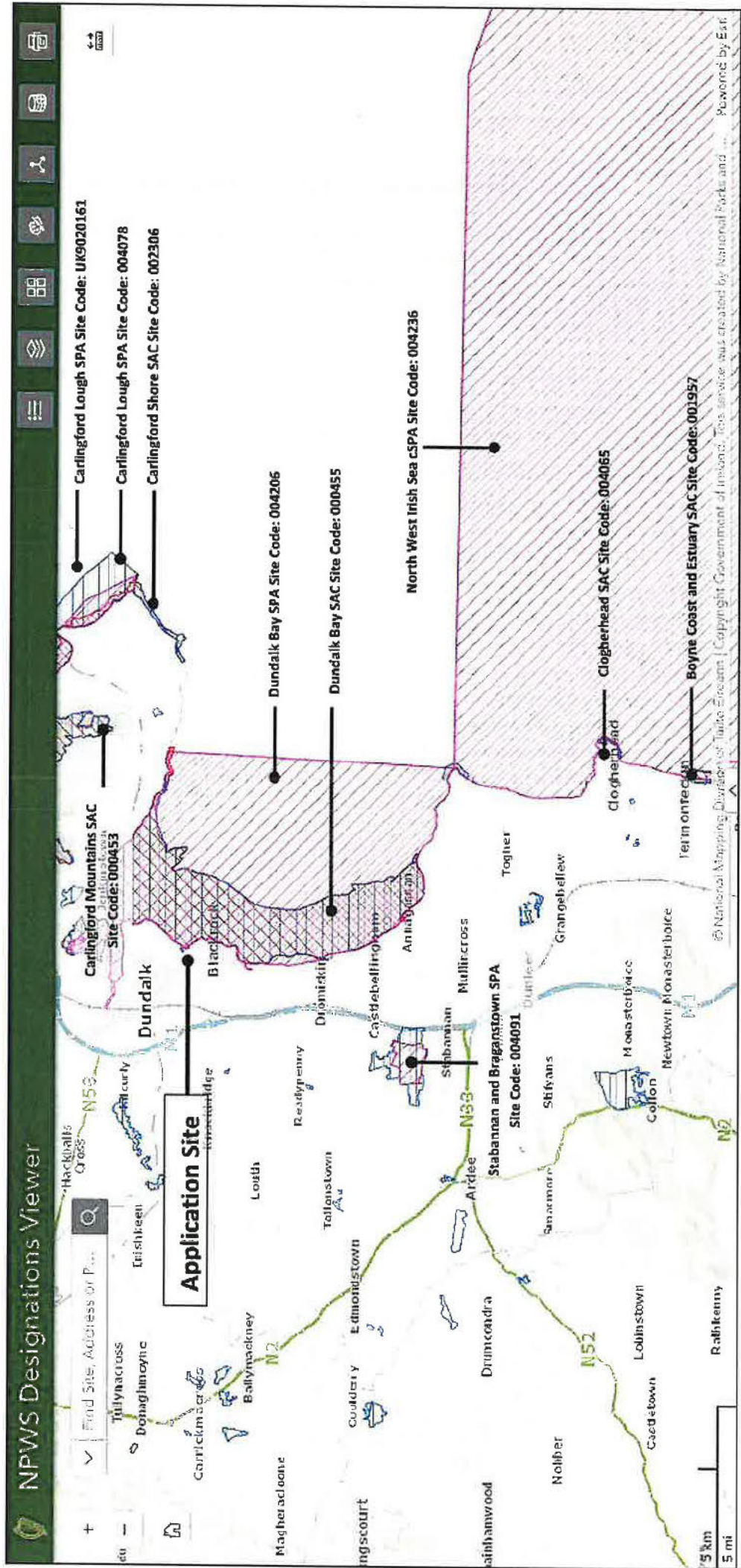


Figure 5 – Natura 2000 Sites Map. Source: www.npws.ie (2026)

7.0 SCREENING OF LIKELY EFFECTS UPON IDENTIFIED EUROPEAN SITES.

7.1 Table 4 below examines where there is potential for any significant effect arising from the construction and/or operation of the proposed development upon any European sit comprising the Zol and, in doing so, determine whether or not the proposal should be the subject of an Appropriate Assessment.

Table 4 - Screening of Likely Effects Upon Identified European Sites	
1. Brief description of Project or Plan.	Construction of a freestanding metallic ESB sub-station unit and concrete base.
2. Brief description of Natura 2000 sites.	Zone of Influence (Zol) comprises of Dundalk Bay Special Protection Area [Site Code: 004026] and the Special Area of Conservation [Site Code: 000455]. See Section 6.0 above for the site description, qualifying features and conservation objectives.
3. Description of Potential Pathways connecting the site to any Natura 2000 site.	The dry/seasonal ditch running along the construction site's western boundary does not contain flowing or standing water. Whereas it connects to Dundalk Bay via piped drains underneath Bóthar Maol its effectiveness as a 'Pathway' is wholly dependent on there being sufficient water in or flowing through the networks of channels to transmit any potential environmental effect generated by the proposed development to Dundalk Bay.
4. Describe the individual elements of the project (either alone or in combination with other plans and projects) likely to give rise to impacts on the Natura 2000 site.	The proposed development comprises of pre-fabricated components that will be assembled on site following the pouring of the concrete base. The structure will be connected to electrical infrastructure already installed on site. Within context of other construction occurring within the site the proposal does not represent major development and will have little, if any, discernible impact upon the immediate environs or the qualifying interests of Dundalk Bay. Each project identified in Table 3 above was screened out at application stage with the local authority being satisfied that each development proposed did not pose a risk to any European site. As of the date of writing this report the draft County Development Plan has not been published for public consultation. Consequently there are no planning policies or zoning objectives to assess the proposed development against. As part of the review process the draft County Plans zoning objectives and planning policies will be subject of a Strategic Environmental Assessment (SEA).
5. Describe any likely direct, indirect, or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:	
• Size and scale	The proposed development, comprising of the freestanding ESB kiosk and concrete base will measure 10.56m ² in area.
• Land-take	None.
• Distance from the Natura 2000 site or key features of the site.	335m.
• Resource requirements.	None.
• Emissions (disposal to land, water or air).	No emissions to land or water. Once operational the kiosk may emit an extremely low and highly localised humming which is of insufficient intensity to disrupt/disturb the normal behavioural habits of any protected species identified in Table 1 above or the range of protected habitats identified in Table 2.
• Excavation requirements.	Minor foundation works required to facilitate the concrete base. The proposed kiosk will be attached / secured to the base.
• Transportation requirement	The proposed development is of a minor nature within context of the overall construction of the residential development and does not require or necessitate specific traffic or transportation management.
• Duration of construction, operation, decommissioning etc.	Construction is estimated at 4-5 days, weather permitting. Once commissioned the kiosk will be in operation indefinitely, subject to regular maintenance and when necessary subject to technical upgrades. There are no plans to decommission the proposal.
• Other	None.
6. Describe any likely changes to the site arising as a result of:	
• reduction of habitat area.	None. The subject site is not within or associated with the management of any of the European sites comprising the Natura 2000 site network. The proposed development is of no discernible effect that may otherwise result in the reduction of the protected habitats identified in Tables 1 and 2 above.
• disturbance to key species.	None. The subject site is not within or associated with the management of any of the European sites comprising the Natura 2000 site network. The proposed development is of no discernible effect that may otherwise result in the disturbance and/or adverse impact upon any of the protected faunal species identified in table 1 above or the floral species comprising the protected habitats identified in Table 2.

• habitat or species fragmentation.	None. The construction and subsequent use of the proposed development will occur at a sufficient distance to mitigate any potential effect upon the integrity, range, population levels of the SPA's and SAC's protected habitats or species.
• reduction in species density.	None. In determining the proposed development is unlikely to negatively affect the integrity, range, population levels of the SPA's and SAC's protected habitats and the density of the SPA's and SAC's floral and faunal species may also be considered of negligible consequence.
• changes in key indicators of conservation value (water quality etc).	The proposed development will not materially or adversely affect air quality within the immediate environs. It will not affect the quality of underlying groundwater. The drainage channel along the construction site's western boundary does not contain standing or running water providing a potential disconnect between the proposed development and the downstream conservation areas. Th construction and operation of the proposed development does not present any obvious or immediate effect that could otherwise alter or comprise the quality of any water that may, at some point, be in the adjoining drainage ditch.
• climate change.	Given the nature and scale of the proposed development its contribution to climate change is considered insignificant.
7. Describe any likely impacts on the Natura 2000 site as a whole in terms of:	
• interference with the key relationships that define the structure of the site.	None of the activities associated with the construction and operation of the provided development will interfere with the key relationships that define the structure of Dundalk Bay SPA or SAC.
• interference with key relationships that define the function of the site.	None of the activities associated with the construction and operation of the provided development will interfere with the key relationships that define the function of Dundalk Bay SPA or SAC.
8. Provide indicators of significance as a result of the identification of effects set out above in terms of:	
• loss.	None.
• fragmentation.	None.
• disruption.	None.
• disturbance.	None.
• change to key elements of the site (e.g., water quality etc).	None.
9. Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.	None. Each project identified in Table 3 above was screened out at application stage or subject to its own Appropriate Assessment. The local authority was satisfied that each development proposed did not pose a risk to any European site. As of the date of writing this report the draft County Development Plan has not been published for public consultation. Consequently there are no planning policies or zoning objectives to assess the proposed development against. As part of the review process the draft County Plans zoning objectives and planning policies will be subject of a Strategic Environmental Assessment (SEA).

7.2 Given the extent of assessment set out in Table 4 above we are satisfied that a finding of no significant effect can be reached in respect of the proposed development for the following reasons:

Table 5 – Finding of No Significant Effect	
Name of project or plan	ESB sub-station kiosk, The Loakers, Blackrock Road, Dundalk, Co. Louth.
Name and location of Natura 2000 sites	Dundalk Bay Special Protection Area [Site Code: 004026] and Dundalk Bay Special Area of Conservation [Site Code: 000455] located 335m (approx,) to the east.
Description of the project or plan	Construction of freestanding, pre-fabricated steel sub-station electrical kiosk measuring 2.4m wide x 19.9m high x 2.1m deep (see Figure 4 above) atop a 10.56m ² concrete base
Is the project or plan directly connected with or necessary to the management of the site (provide details)	No.
Are there other projects that together with the project being associated could affect the Natura 2000 site.	No. Each project identified in Table 3 above was screened out at application stage or subject to its own Appropriate Assessment. The local authority was satisfied that each development proposed did not pose a risk to any European site.
The assessment of significance of effects:	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites.	No significant effects have been identified or considered likely to the Dundalk Bay SPA and SAC or tot the protected species within or in the implementation of their respective conservation objectives due to minor and inconsequential nature of the propose development and the negligible associated environmental effects.
	No emissions to land or water. Once operational the kiosk may emit an extremely low and highly localised humming which is of insufficient intensity to disrupt/disturb the normal behavioural habits of any protected species identified in Table 1 above or the range of protected habitats identified in Table 2.
Explain why these effects are not considered significant. The EPA Code of Practice etc.	The proposed development will not be constructed or operated within Dundalk Bay SPA or SAC. The development will not emit anything to land or water. Whatever

	<p>humming or tonal disturbances may arise from the operation of the electrical equipment within the proposed kiosk will be of extremely low, if not imperceptible, volume. Any potential associated impact from this effect will be and highly localised and limited to the area immediately surrounding the development and unlikely to be of such volume/intensity to be audible within the rest of the residential development. It will be of such insignificance as not to adversely affect the qualifying interests of Dundalk Bay SPA and SAC.</p> <p>Despite the presence of the dry/seasonal field drain i.e. the 'Pathway' connecting the 'Source' with the 'Receptor' the effectiveness of such a pathway/conduit is wholly dependent upon there being sufficient water in or flowing through the networks of channels to transmit any potential environmental effect generated by the development. At best the western boundary drain acts as a sporadic and/or provisional 'Pathway'.</p> <p>Within context of the advice set out in the Office of the Planning Regulators' PN01 regarding the necessity for all three elements (see para. 3.1 above) to be present in order to establish an effect that necessitates further Appropriate Assessment we are of the opinion that the provisional nature of the 'Pathway'; the extremely limited / highly localised emission to air; and the distance separating 'Source' from 'Receptor' validate a conclusion that the proposed development need not be subject to further Appropriate Assessment.</p>
List of agencies consulted e.g. NPWS, EPA, OPW etc.	<ul style="list-style-type: none"> NPWS, OPW and EPA online resources.
Response to consultation	n/a
Data collected to carry out the assessment:	
- Who carried out the assessment	<p>Tony Ewbanks, EHP Services MA (Hons) Town & Country Planning MSc (Hons) Biodiversity & Land-Use Planning</p>
- Source of data	<ul style="list-style-type: none"> NPWS (2014) Site Synopsis document for Dundalk Bay SPA Site Code: [004206] NPWS (2011) Conservation Objectives document for Dundalk Bay SPA [Site Code: 004206]. NPWS (2014) Site Synopsis document for Dundalk Bay SAC Site Code: [000455] NPWS (2011) Conservation Objectives document for Dundalk Bay SAC [Site Code: 000455]. CFRAM – Potential flooding mapping system; National Biodiversity Centre (NBDC) web mapper; Geological Survey Ireland (GSI) groundwater vulnerability mapping system; and Environmental Protection Agency (EPA) - online resources. 'Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities', DoEHLG (2009), Rev. 2010; 'Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the Habitats Directive 92/43/EEC', European Commission (2018); 'Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on the provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC', European Commission Notice, Journal of the European Union (2021); Practice Note PN01 'Appropriate Assessment Screening for Development Management', Office of the Planning Regulator (2021); 'Managing Natura 2000 Sites – The provisions of Article 6 of the Habitats Directive', European Commission (2018); Circular NPW 1/10 and PSSP 2/10 'Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities', NPWS (2010); 'Guidance document on the strict protection of animal species of Community interest under the habitats Directive 92/43/EEC', European Commission (2007); and 'The Status of EU Protected Habitats and Species in Ireland', NPWS Services (2025).
- Level of assessment completed	Screening for Appropriate Assessment.
- Where can the full results of the assessment be accessed and viewed.	n/a

8.0 APPROPRIATE ASSESSMENT SCREENING CONCLUSION.

- 8.1 This screening for Appropriate Assessment exercise demonstrates that the construction and use of the proposed freestanding ESB electrical kiosk and concrete base will not result in any likely significant effects upon any European site.

- 8.2 Following a SPR analysis the construction and operation of the proposed development was assessed. The extent of potential 'Source' effect or impact was determined to be of imperceptible and negligible significance upon the immediate environs and the protected habitats and species of Dundalk Bay's SPA and SAC. Furthermore the effectiveness of the 'Pathway' identified in the form of the construction site's western dry/seasonal field drain renders it a sporadic and ineffectual pathway/conduit connecting the subject site with Dundalk Bay as the recognised 'Receptor'.
- 8.3 Within context of the advice set out in PN01 - Appropriate Assessment Screening for Development Management (2021) it is be concluded that the proposed development will not give rise to any likely significant effects on any European site, alone or in combination, with any other strategic plan, programme or project. For these reasons we are satisfied that the proposed development does not necessitate or require progression to formal Appropriate Assessment and may be screened out for the purposes of assessing this Section 5 Declaration application.

Regards



for EHP Services

PLANNING REPORT IN RESPECT OF

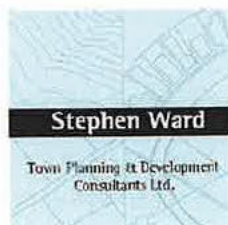
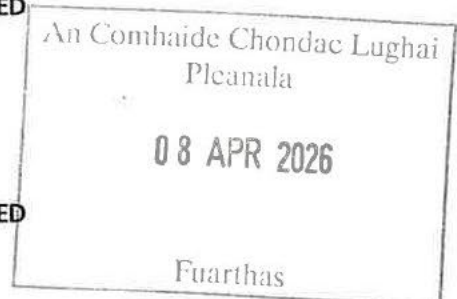
**REQUEST FOR DECLARATION UNDER SECTION 5 OF THE
PLANNING AND DEVELOPMENT ACT 2000 AS AMENDED
WITH RESPECT TO WHETHER THE CONSTRUCTION OF AN
ESB SUB-STATION AT THE RESIDENTIAL DEVELOPMENT
KNOWN AS EDENHILL / EDENHILL MEWS UNDER
CONSTRUCTION AT THE LOAKERS, BLACKROCK ROAD AND
BOTHAR MAOL, BLACKROCK, DUNDALK, CO. LOUTH IS OR
IS NOT DEVELOPMENT OR IS OR IS NOT EXEMPTED
DEVELOPMENT**

PREPARED BY

**STEPHEN WARD TOWN PLANNING AND DEVELOPMENT
CONSULTANTS LIMITED**

ON BEHALF OF

BWH INVESTMENTS LIMITED



April 2026

1.0 INTRODUCTION

Please find enclosed request for declaration under Section 5 of the Planning and Development Act 2000 (as amended) in respect of the construction of an ESB sub-station at the residential development known as Edenhill and Edenhill Mews, the Lookers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, County Louth.

In addition to this report, the application form and a cheque for the statutory fee in the sum of €80.00, the request is accompanied by the supporting following drawings and documentation: -

1. Precedence Case from 2023 (PA Ref. S5 2023/20).
2. Site Location Map by P. Herr and Associates.
3. Site Layout Plans by P. Herr and Associates.
4. Plans, sections and elevations by P. Herr and Associates.
5. Contextual Elevation by P. Herr and Associates.
6. Correspondence from ESB confirming the sub-station falls within the exempted development limitations and conditions at Class 29 of Part 1 Schedule 2 of the Planning and Development Regulations 2001(as amended).
7. Appropriate Assessment Screening Report from EPH Services confirming the sub-station does not require Appropriate Assessment and may be 'screened out' for the purposes of the Section 5 Declaration Request.

2.0 THE DECLARATION QUESTION

The Declaration question is as follows –

"Whether the construction of an ESB sub-station at the residential development known as Edenhill and Edenhill Mews, the Lookers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, County Louth is or is not development or is or is not exempted development within the meaning of the Act".

3.0 PRECEDENCE CASE

Please find attached a Precedence Case from 2023 (PA Ref. S5 2023/20) wherein Louth County Council decided that the construction of an ESB sub-station at a development known as 'Hearthfield' on Mount Avenue, Dundalk was development and was exempted development. The Hearthfield development was also under-construction when the decision was made on S5 2023/20. In deciding that the development was development and was exempted development, the PA saw no conflict with the conditions attached to the permission under which the development was being constructed, including Condition No. 1 of the permission. As it so happens, the Heartfield permission was also permitted by An Coimisiún Pleanála (303628-19).

It is submitted that the circumstances of this current Section 5 Declaration Request at Edenhill / Edenhill Mews The Lookers, and those of the decided case at Heathfield are identical. Both involved a miniscule and immaterial reduction in public open space and both are within the exempted development limits of Class 29 of the Planning and Development Regulations 2001 as amended and both permissions were permitted by Louth County Council and upheld by ACP following third party appeals.

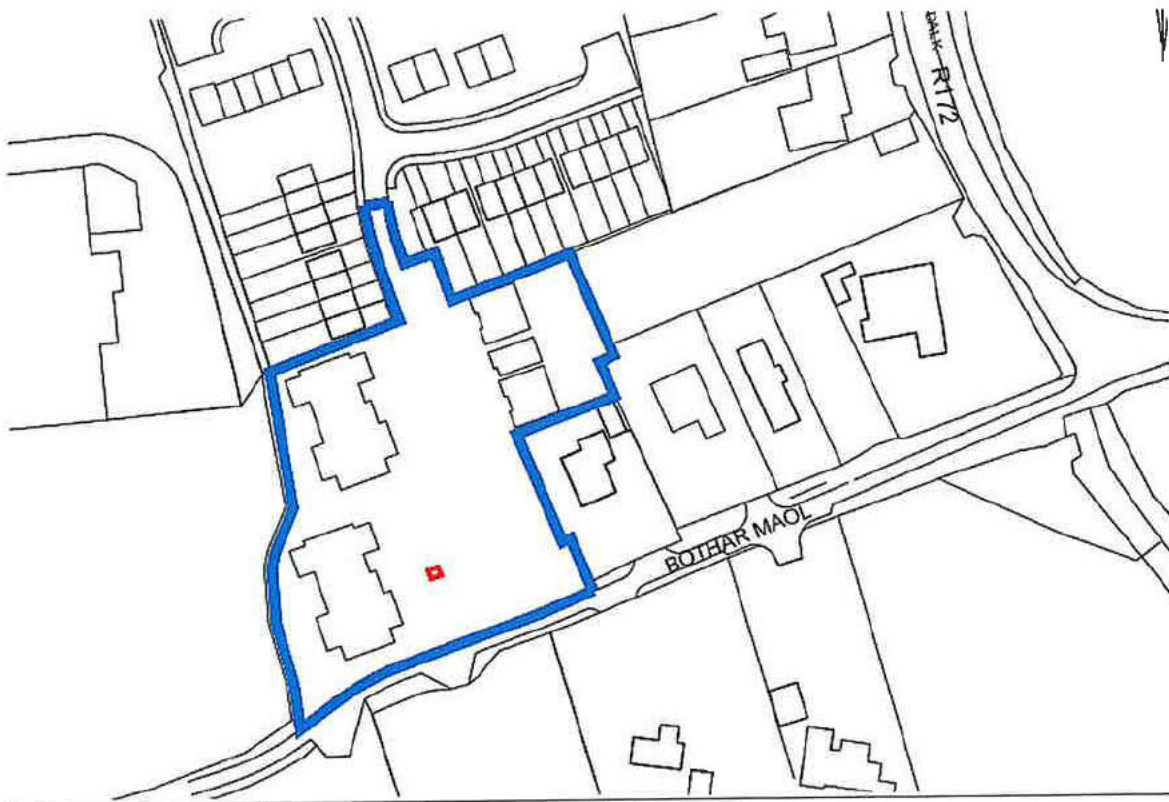
4.0 NEED FOR SUB-STATION

BWH Investments Limited is currently constructing a residential development consisting of 29 dwellings at The Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, County Louth as granted under P.A. Ref. No. 21/1032 (ACP 311776-21). The sub-station is an essential item of infrastructure to allow the development to be occupied.

The blue line delineates lands in the ownership of the applicant with the position of the sub-station identified in red.

Figure 1 – Location of Proposed Sub-Station

(Extract from P. Herr and Associates Site Location Map)



5.0 DESCRIPTION OF SITE AND SUB-STATION

The sub-station site is located on lands that are subject of an extant residential permission for 29 no. dwellings granted by An Bord Pleanála under ACP Ref. No. 311776-21 (P.A. Ref. No. 21/1032). This permission is now virtually complete with occupancy expected over the coming months.

The footprint of the sub-station extends to 4.5sq.m. The applicant is required to locate the sub-station such that it is accessible from the roadway serving the development. This means the sub-station juts into the public open space area for the development but this is extremely limited. This public open space area extends to 649sq.m and with the footprint of the sub-station extending to only 4.5sq.m, the loss of open space is a mere 0.7 of a per cent of this public open space area. It is submitted this reduction is neither significant nor material, nor will it undermine either the function or usability of the open space.

According to the Plans / Sections / Elevation drawing by P. Herr and Associates, the substation measures at 2.1m x 2.4m x 1.96m and has volumetric capacity of 9.88m³, well within the Class 29 limit of 11m³. It will be served from either or but not greater than a 10/20kV network.

Having regard to the very limited scale and the location of the proposed sub-station, and given its location on lands that are zoned for residential development and that are the subject of an extant permission, within the built-up area, it is submitted no environmental, heritage or appropriate assessment issues will arise. In order to provide an evidence base in this regard, the applicant commissioned an Appropriate Assessment Screening Report from EPH Services. This AA Screening Report, attached under separate cover, confirms the sub-station does not require Appropriate Assessment and may be 'screened out' for the purposes of the Section 5 Declaration Request.

6.0 STATUTORY PROVISIONS AND DECLARATIONS

The following definitions from the Planning and Development Act 2000 (as amended) and the Planning and Development Regulations 2001 (as amended) are relevant –

Planning and Development Act 2000 (as amended)

Section 2

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

- (a) where the structure so admits, includes the land on, in or under which the structure is situate, and
- (b) in relation to a protected structure or proposed protected structure, includes –
 - (i) the interior of the structure,
 - (ii) the land lying within the curtilage of the structure,
 - (iii) any other structures lying within that curtilage and their interiors, and
 - (iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (iii)

"Works" includes any act or operation of construction, excavation or 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."

Section 3

Section 3 defines **"development"** as –

"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".

Planning and Development Regulations 2001 (as amended)

Class 29 of Schedule of Part 1 Schedule 2 of the Regulations states,

"The carrying out of any electricity undertaking of development consisting of the construction or erection of a unit sub-station (excluding a charging point for electric vehicles) including a mini pillar for the distribution of electricity at a voltage not exceeding a nominal value of 20 kV. The volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally".

Having regard to the above definitions, it is submitted the construction of a sub-station constitutes a structure and would fall within the definition of works. It therefore constitutes development within the meaning of the Act.

However, given its volumetric capacity falls below 11 m³ and that will be served from either or but not greater than a 10/20kV network, it is submitted the sub-station is development but is exempted development having regard to Class 29 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

7.0 THE CONDITIONS OF THE PLANNING PERMISSION

Given there will be a miniscule loss of open space (a mere 0.7 of a per cent) and that the sub-station is a fundamental requirement to allow the development of these much needed houses to be occupied and that the sub-station is required at this position, coupled with the decision of the PA under S5 2023/20, the provision of the sub-station does not conflict in any material way with the provisions of the planning permission, including condition no. 1 attached to the ACP decision.

8.0 CONCLUSIONS

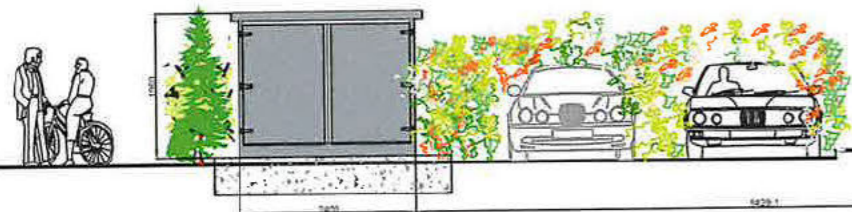
It is the submission of the applicant that for the following reasons the construction of a sub-station at the stated location and as illustrated on the accompanying drawings by P. Herr and Associates, is development and is exempted development having regard to –

- (i) Section 2 and 3 of the Planning and Development Act 2000 (as amended).
- (ii) Class 29 of Part 1 Schedule 2 of the Planning and Development Regulations 2001(as amended).

Yours faithfully,



Stephen Ward



CONTEXTUAL ELEVATION

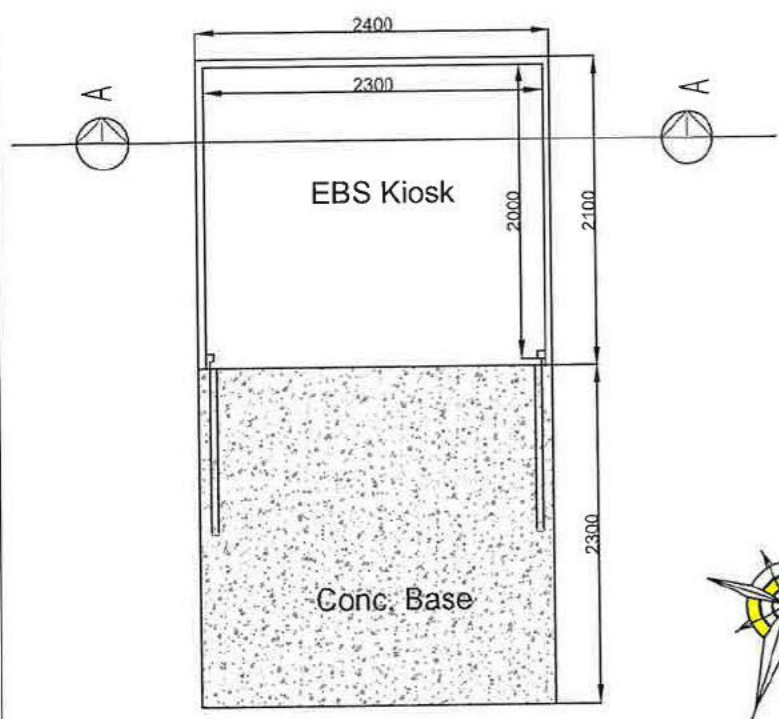


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 Pleanála
 03 APR 2026
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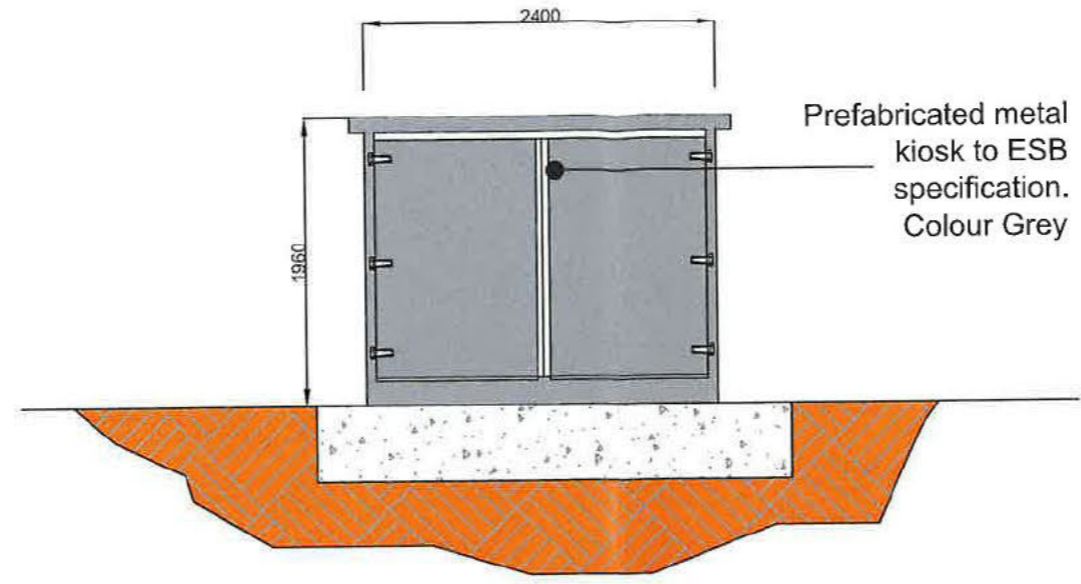
Client			
B.W.H INVESTMENTS LIMITED			
Project			
SECTION 5 APPLICATION			
Job Description			
ESB ELECTRICAL KIOSK WITHIN AN APPROVED RESIDENTIAL DEVELOPMENT AT EDENHILL, THE LOAKERS, BLACKROCK, CO. LOUTH			
Title			
CONTEXTUAL ELEVATION			
Drawn By	Checked By	Date	Scale
S McCOY	P. HERR	26-02-2026	1 : 100

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 FAX 042 9331832
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 MILL STREET
 DUNDALK, Co. LOUTH
 A91 KA9R, IRELAND

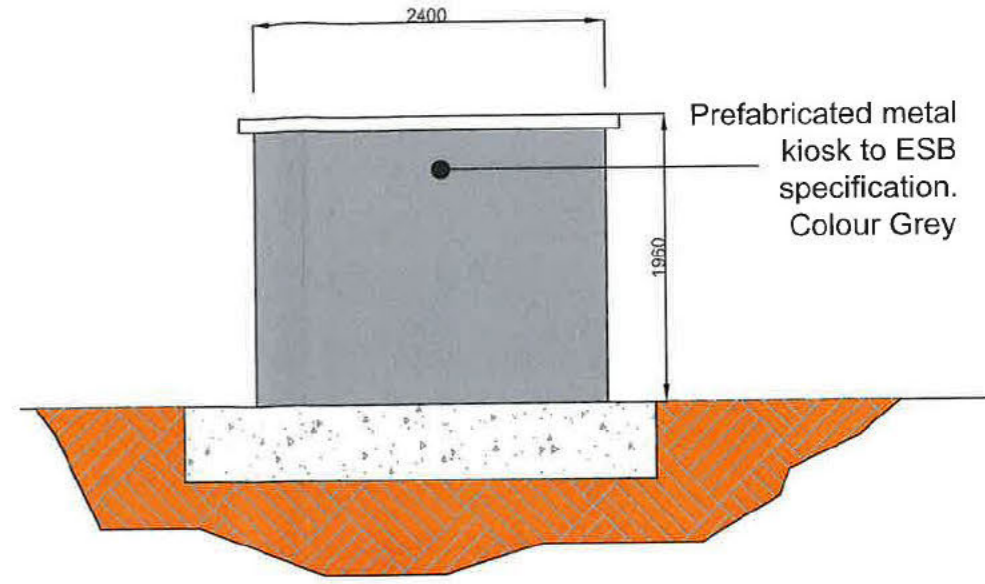
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3916A-SEC5-005		



PLAN VIEW
AREA = 4.6m²

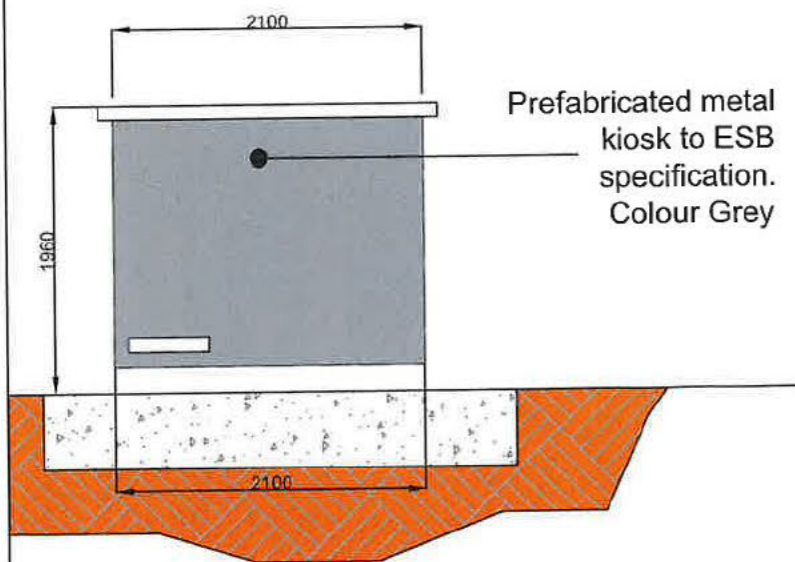


FRONT ELEVATION

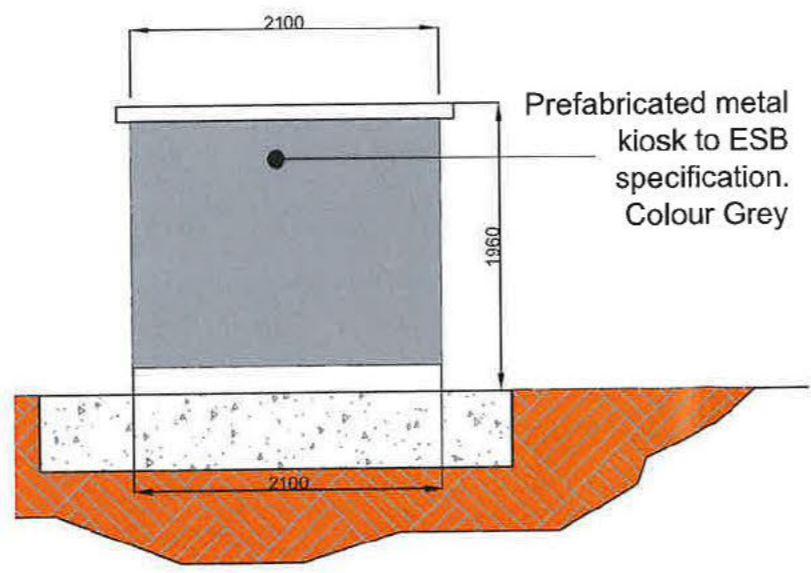


REAR ELEVATION

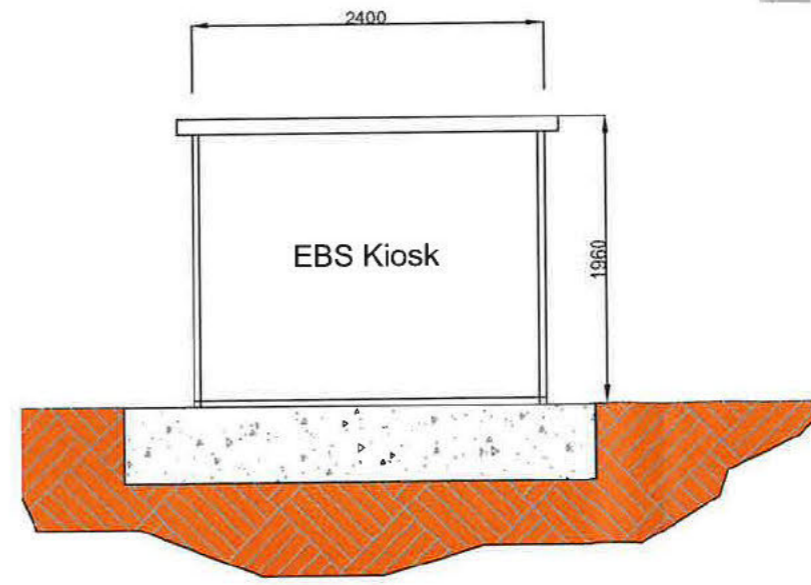
hondae Lughnail
P. HERR & ASSOCIATES
08 APR 2020
Fuarthas



SIDE ELEVATION



SIDE ELEVATION



SECTION A-A

Client B.W.H INVESTMENTS LIMITED			
Project SECTION 5 APPLICATION			
Job Description ESB ELECTRICAL KIOSK WITHIN AN APPROVED RESIDENTIAL DEVELOPMENT AT EDENHILL, THE LOAKERS, BLACKROCK, CO. LOUTH			
Title PLAN, ELEVATIONS & SECTION (ESB KIOSK)			
Drawn By S McCOY	Checked By P. HERR	Date 26-02-2020	Scale 1 : 50

P. HERR & ASSOCIATES
CIVIL ENGINEERS & BUILDING SURVEYORS
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BLOCK 4, THIRD FLOOR
QUAYSIDE BUSINESS PARK
MILL STREET
DUNDALK, Co. LOUTH
A91 KASH, IRELAND

FILE REF Drawing Name	DRAWING No 3916A-SEC5-004	REVISION
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Louth County Council

Section 5 Declaration

Planning Ref:	S5 2026/19
Applicant's Name:	BWH Investments Limited
Type of Application:	Section 5 Declaration
Development:	Construction of an ESB substation.
Site Location:	Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth.

1.0 SITE LOCATION & DESCRIPTION:

The subject site is located on an area of public open space serving the residential development at Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth.

2.0 RELEVANT PLANNING HISTORY

21/1032 & ACP Ref. No. 311776-21:

Site Location: The Loakers Blackrock Road & Bothar Maol Blackrock, Co Louth.
Development Description: 29 no. residential units comprising the following; 2 no. three storey blocks of apartments, comprising 9 no. two bedroom apartments and 3 No. three bed apartments in each block (24 apartments in total). 4 no. semi-detached two storey, 3-bedroom dwelling houses. 1 No. Detached two storey, 3 bedroom dwelling house to include vehicular/pedestrian access from the Loakers, pedestrian access onto Bothar Maol and the construction of a public pavement along part of Bothar Maol, car parking, cycle bays, external bin storage area, public street lighting, landscaping and all associated site development works including the laying of a new surface water sewer pipe on a section of the Blackrock Road (R172). Bothar Maol from the N52 Inner Relief Road to the site entrance on Bothar Maol will be used for emergency and service vehicle access to the site in the event of flooding on the Blackrock Road preventing access to the site via the Loakers development. A Natura Impact Statement (NIS) accompanies this planning application.
Decision: Permission granted subject to conditions.

3.0 QUESTION FOR DETERMINATION:

The applicant has confirmed that the question for determination is:

Whether the construction of an ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth is or is not development or is or is not exempted development within the meaning of the Act.

4.0 EIA SCREENING AND DETERMINATION

Council Directive 85/337/EEC (as amended) on the assessment of the effects of certain public and private projects on the environment ('the EIA Directive') is designed to ensure that projects likely to have significant effects on the environment are subject to a comprehensive assessment of their environmental effects prior to development consent being given. The latest amendments to the EIA Directive are provided under Directive 2014/52/EU and Circular letter PL 1/2017. Based on the information provided and having considered the nature, size and location of the development, there is no real likelihood of significant effects on the environment and as such, an EIAR is not required.

5.0 APPROPRIATE ASSESSMENT (AA)

Article 6(3) of Council Directive 92/43/EEC (as amended) on the conservation of natural habitats and of wild fauna and flora ('the Habitats Directive') requires that any plan or project that is not directly connected with or necessary to the management of the Natura 2000 site concerned but is likely to have a significant effect on it, on its own or in combination with other plans and projects, is to be authorised only if it will not adversely affect the integrity of that site.

An Appropriate Assessment Screening Report prepared by EPH Services has been submitted which concludes that the substation does not require Appropriate Assessment and may be 'screened out' for the purposes of the Section 5 Declaration Request.

On the basis of the nature of the application and the works proposed, it can reasonably be concluded that the proposal would not have a significant impact on any European site by reason of noise, emissions, lighting and human activity/disturbance. Therefore, it is reasonable to conclude that on the basis of the information on file, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European Sites, and as such, a Stage 2 AA is not required.

6.0 LEGISLATIVE CONTEXT:

The Planning and Development Act (Revised)

Section 2

“**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, and

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

“**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.

Section 3

“**Development**” means –

a) the carrying out of any works in, on, over or under land, or the making of any material change in the use of any land or structures situated on land, or

(b) development within the meaning of Part XXI (inserted by section 171 of the Maritime Area Planning Act 2021).

Section 4 Exempted Development

The Planning and Development Regulations 2001 (as amended)

Schedule 2, Article 6, Part 1

Exempted Development – General

Column 1 Description of Development	Column 2 Conditions and Limitations:
Class 29 The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) or minipillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV.	The volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally.

Part 2, Article 6 Exempted Development

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

Part 2, Article 9, Restrictions on Exemption

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

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

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

7.0 ASSESSMENT

Does the proposal constitute “development”?

It is considered that the construction of an ESB substation would fall within the definition of ‘development’ as per the Planning and Development Act (Revised).

Do the works constitute exempted development?

The planning report submitted states that the substation is required to be located such that it is accessible from the roadway serving the development which means that the substation juts into the public open space area for the development; it states that the public open space area extends to 649 sq m therefore the loss of open space is not considered to be significant or material. The substation would not contravene a condition attached to Planning Ref. No. 21/1032 & ACP Ref. No. 311776-21.

Schedule 2, Article 6, Part 1 Exempted Development – General

Column 1 Description of Development	Column 2 Conditions and Limitations:
Class 29 The carrying out by any electricity undertaking of development consisting of the construction or erection of a unit substation (excluding a charging point for electric vehicles) or minipillar for the distribution of electricity at a voltage not exceeding a nominal value of 20kV.	The volume above ground level of any such unit substation or minipillar shall not exceed 11 cubic metres, measured externally.

The substation would measure 4.5 sq m with a height of 1.96 metres [2.1m x 2.4m x 1.96m] which gives a volume above ground level of 9.88m³ and it is stated will be served from either or but not greater than a 10/20kV network.

This would therefore meet the criteria and limitations as set out above under Class 29. Correspondence from the ESB has also been submitted confirming the substation falls within the exempted development limits of Class 29 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

Accordingly, it is considered that the construction of the subject ESB substation is **development and is exempted development.**

8.0 CONCLUSION:

As outlined above, the construction of the subject ESB substation is considered to be **development and is exempted development.**

9.0 RECOMMENDATION:

Having regard to the foregoing, it is recommended that an **Order** be issued as follows:

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (Revised) as to:

Whether the construction of an ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth is or is not development or is or is not exempted development within the meaning of the Act.

AND WHEREAS the said question was referred to Louth County Council by BWH Investments Limited, Springfield, Wallaces Road, Blackrock, County Louth

AND WHEREAS Louth County Council in considering this reference, had regard to –

- a) Section 2 and Section 3 of the Planning and Development Act 2024 (as amended)
- b) Class 29 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- d) The plans and particulars forwarded to the Planning Authority
- e) The relevant planning history of the site

AND WHEREAS Louth County Council has concluded that:

- (i) The construction of the substation is considered to fall within the definition of works and development as set out in Sections 2 and 3 of the Planning and Development Act 2024 (as amended)
- (ii) The works fall within Class 29 of Schedule 2, Article 6, Part 1 Exempted Development General of the Planning and Development Regulations 2001 (as amended)

The proposal is therefore considered to constitute exempted development.

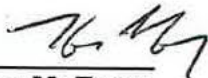
NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the construction of the subject ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth **is development and is exempted development.**



Eugenia Thompson
Senior Executive Planner
Date: 17/04/2026



Turlough King
A/Senior Planner
Date: 17/04/2026



Thomas McEvoy
Director of Services
Date: 24/04/26

LOUTH COUNTY COUNCIL

CHIEF EXECUTIVE'S ORDER

PLANNING & DEVELOPMENT ACT 2000 (as amended)

Section 5 Exempted Development

Chief Executive's Order No:	280/2026
Reference No:	S5 2026/19
Date Application Received:	08/04/2026
Description of Development:	Whether the construction of an ESB substation is or is not development and is or is not exempted development.
Name of Applicant:	BWH Investments Limited
Location of Development	Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (Revised) as to:

Whether the construction of an ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth is or is not development or is or is not exempted development within the meaning of the Act.

AND WHEREAS the said question was referred to Louth County Council by BWH Investments Limited, Springfield, Wallaces Road, Blackrock, County Louth

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- (a) Section 2 and Section 3 of the Planning and Development Act 2024 (as amended)
- (b) Class 29 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)
- (c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans and particulars forwarded to the Planning Authority
- (e) The relevant planning history of the site

AND WHEREAS Louth County Council has concluded that:

- (i) The construction of the substation is considered to fall within the definition of works and development as set out in Sections 2 and 3 of the Planning and Development Act 2024 (as amended)
- (ii) The works fall within Class 29 of Schedule 2, Article 6, Part 1 Exempted Development General of the Planning and Development Regulations 2001 (as amended)


The proposal is therefore considered to constitute exempted development.

NOW THEREFORE Louth County Council in exercise of the powers conferred on it by Section 5(2)(a) of the Planning and Development Act (Revised), hereby decides that the construction of the subject ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth **is development and is exempted development.**

SIGNED: 
Eugenia Thompson
Senior Executive Planner

Date: 22/04/2026

ORDER: In pursuance of the powers conferred upon the Council by the above Act, I concur with the above recommendation and I hereby direct that a **Declaration of Exemption be GRANTED** for the development as described above.

Signed: 
Thomas McEvoy
Director of Service

Date: 24/04/2026

To whom this function has been delegated in accordance with the provisions of Section 154 of the Local Government Act, 2001 by Order No. CE.S. 201/25 dated the 14th day of May 2025.



Comhairle Contae Lú
Louth County Council

REGISTERED POST

BWH Investments Ltd
c/o Stephen Ward Town Planning
& Development Consultants Ltd
Jocelyn House
Jocelyn Street
Dundalk
Co. Louth

24th April 2026

Re: Ref. S5 2026/19

Application for Declaration of “Exempted Development” Part 1, Section 5 Planning & Development Act, 2000 (as amended) as to ‘Whether the construction of an ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth’ is or is not development or is or is not exempted development.

Dear Sir/Madam,

I wish to acknowledge receipt of your application received on 08th April 2026 in relation to the above. Having assessed all information and enclosures received with the application, the Planning Authority wishes to advise as follows: -

WHEREAS a question has arisen pursuant to Section 5 of the Planning and Development Act (Revised) as to:

Whether the construction of an ESB substation at the residential development known as Edenhill and Edenhill Mews, the Loakers, Blackrock Road and Bothar Maol, Blackrock, Dundalk, Co. Louth is or is not development or is or is not exempted development within the meaning of the Act.

AND WHEREAS the said question was referred to Louth County Council by BWH Investments Limited, Springfield, Wallaces Road, Blackrock, County Louth

AND WHEREAS Louth County Council in considering this reference, had regard to –

- (a) Section 2 and Section 3 of the Planning and Development Act 2024 (as amended)
- (b) Class 29 of Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended)

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Cuirfear fáilte roimh chomhfhreagras Gaeilge - Correspondence in Irish is welcome
Féach foláirimh faoi Lú ón gComhairle ag www.mapalarter.ie/Louth
View Council alerts for Louth at www.mapalarter.ie/Louth

- (c) Article 6 and 9 of the Planning and Development Regulations 2001 (as amended)
- (d) The plans and particulars forwarded to the Planning Authority
- (e) The relevant planning history of the site

AND WHEREAS Louth County Council has concluded that:

- (i) The construction of the substation is considered to fall within the definition of works and development as set out in Sections 2 and 3 of the Planning and Development Act 2024 (as amended)
- (ii) The works fall within Class 29 of Schedule 2, Article 6, Part 1 Exempted Development General of the Planning and Development Regulations 2001 (as amended)

The proposal is therefore considered to constitute exempted development.

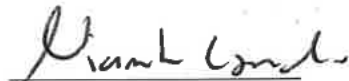
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In Summary

A Declaration of Exemption is hereby GRANTED for the development as detailed on the plans and particulars submitted on 08th April 2026.

This decision may be referred by you to An Coimisiún Pleanála for review within 4 weeks of the date of this letter subject to the payment of the appropriate fee.

Yours faithfully,



Niamh Lynch
Planning Section