



An
Bord
Pleanála

Board Direction
BD-004931-20
ABP-303678-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 16/01/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the National Planning Framework, the Regional Spatial and Economic Strategy for the Eastern and Midland Region, the relevant provisions of the Meath County Development Plan 2013-2019, would not have an unacceptable impact on the amenities of properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In completing the screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the Inspector's report in respect of the identification of the European sites which could potentially be affected and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation

objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans and projects, would not be likely to have significant effects on any other European sites, in view of the sites' conservation objectives other than the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Boyne Estuary Special Protection Area (Site Code:004080), and the River Nanny Estuary and Shore Special Protection Area (Site Code 004158) which are the European sites for which there is a likelihood of significant effects.

Appropriate Assessment

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Boyne Estuary Special Protection Area (Site Code:004080), and the River Nanny Estuary and Shore Special Protection Area (Site Code 004158) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European sites, namely the River Boyne and River Blackwater Special Area of Conservation (Site Code: 002299), the Boyne Coast and Estuary Special Area of Conservation (Site Code: 001957), the River Boyne and River Blackwater Special Protection Area (Site Code: 004232), the Boyne Estuary Special Protection Area (Site Code:004080), and the River Nanny Estuary and Shore Special Protection Area (Site Code: 004158), in view of the sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal,
- (c) the conservation objectives for the European sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' conservation objectives.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures identified in the Environmental Report and the Natura Impact Statement and other particulars submitted with the application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions. The developer shall appoint a person with appropriate ecological and construction expertise as Environmental Manager, to ensure that the mitigation measures identified in the above documents are implemented in full.

Reason: In the interest of clarity and environmental protection.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping. Landscaping details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall include the following:

(a) A plan to an appropriate scale showing –

(i) Existing trees and hedgerows to be preserved and details for the protection of same during the construction and operational phases of the proposed development.

(ii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the proposed development,

shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. All external finishes to the proposed electricity substation and associated service buildings shall be of a dark grey or matt green colour, or a colour to be agreed with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

Reason: In the interest of environmental protection and public health.

6. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan and Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures, surface water management proposals, control and management of accidental spillages, detailed design of watercourse crossings, the management of construction traffic, the means to protect the public road and off-site disposal of construction waste.

Reason: In the interest of public safety, the protection of ecology and residential amenity.

7. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between the hours of

0800 to 1400 on Saturdays and not at all on Sundays or public holidays.
Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

8. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

9. Operational noise levels from the substation shall not exceed 55 dB(A) rated sound level (corrected sound level for any tonal or impulsive component) at dwellings between 0800 and 2200 hours on any day and shall not exceed 45dB(A) at any other time.

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

Schedule of Costs

In accordance with the provisions of Section 182B of the Planning and Development Act 2000, as amended, the amount due to be reimbursed to the applicant is **€89,849**.

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

Board Member

Date: 16/01/2020

Chris McGarry