



An
Bord
Pleanála

Board Direction
BD-006249-20
ABP-306396-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/08/2020.

The Board considered file ABP-305992-19 for the related Solar Farm at the same meeting.

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

Having regard to:

- (a) the nature, scale and extent of the proposed development,
- (b) the national targets for renewable energy contribution of 40% gross electricity consumption by 2020,
- (c) national and local policy support for developing renewable energy, in particular the:-
 - Government's Strategy for Renewable Energy, 2012-2020,
 - National Planning Framework, 2018,
 - Delivering a Sustainable Energy Future for Ireland - the Energy Policy Framework, 2007-2020,

- Government Policy Statement on the Strategic Importance of Transmission and Other Energy Infrastructure 2012,

- Regional Planning Guidelines for the Midland Region, 2010 – 2022

- Policy P-EN5 of the Westmeath County Development Plan, 2014-2020,

(e) the distance to dwellings or other sensitive receptors from the proposed development,

(f) the planning history of the immediate area including proximity to the proposed associated Solar development (An Bord Pleanála Reference 305992 (Westmeath County Council Planning Reg Ref 196168). This development will serve as the grid connection for this generating infrastructure,

(g) the submissions on file including those from prescribed bodies, and

(h) the documentation submitted with the application,

It is considered that the proposed development, subject to compliance with the conditions set out below, would:

- not have an unacceptable impact on the character of the landscape or on the cultural or archaeological heritage,
- not seriously injure the visual and residential amenities of the area,
- be acceptable in terms of public health, traffic safety and convenience,
- not have an unacceptable impact on the ecology,
- make a positive contribution to Ireland's requirements for renewable energy, and
- be in accordance with:-
 - Government's Strategy for Renewable Energy, 2012-2020,
 - the National Planning Framework, 2018 and
 - Policy objective P-EN5 of the Westmeath County Development Plan, 2014-2020.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Stage 1 Screening for Appropriate Assessment

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site.

In completing the 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 site's Conservation Objectives. In particular the Board noted the hydrological connection between the site and the River Boyne and River Blackwater Special Area of Conservation (Site code: 002299) and the River Boyne and River Blackwater Special Protection Area (004232) but was satisfied in view of the sites' Conservation Objectives and the location of these sites approximately 19km downstream, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on these European Sites, or any other European site, in view of the site's Conservation Objectives.

Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars including the mitigation measures specified in the Planning & Environmental Report, lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.</p>

	<p>Reason: Having regard to the nature of the proposed development, the Board considered it reasonable and appropriate to specify a period of the permission in excess of five years.</p>
3.	<p>All of the environmental, construction and ecological mitigation measures set out in the Ecological Impact Assessment and the Planning and Environmental Report, and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order.</p> <p>Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.</p>
4.	<p>a) No additional artificial lighting shall be installed or operated on site unless authorised by a prior grant of planning permission.</p> <p>b) CCTV cameras shall be fixed and angled to face into the site and shall not be directed towards adjoining property or the road. Their location within the compound shall be submitted to and agreed in writing with the Planning Authority prior to commencement of work on site.</p> <p>Reason: In the interests of clarity, and of visual and residential amenity.</p>
5.	<p>Prior to commencement of development, the developer shall enter into a water connection agreement(s) with Irish Water where it is proposed to connect to a public water network operated by Irish Water.</p> <p>Reason: In the interest of public health.</p>
6.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological</p>

	<p>materials or features which may exist within the site. In this regard, the developer shall:</p> <ul style="list-style-type: none"> a) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess and monitor all preparatory works and all site development works. b) investigate areas of archaeological potential by means of geophysical survey and, depending on the findings, carry out test excavations if deemed necessary following consultation with the National Monuments Services Section of the Department of Culture, Heritage and the Gaeltacht. c) notify the planning authority in writing at least four weeks prior to the commencement of any site operation relating to the proposed development, and d) submit a report to the planning authority, containing the results of the archaeological investigations and assessment. <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation <i>in-situ</i> or by record and protection of any archaeological remains that may exist within the site.</p>
7.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> a) location of the site and materials compound including area identified for the storage of construction refuse b) location of areas for construction site offices and staff facilities c) details of site security fencing and hoardings

	<p>d) details of on-site car parking facilities for site workers during the course of construction</p> <p>e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,</p> <p>f) measures to obviate queuing of construction traffic on the adjoining road network,</p> <p>g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,</p> <p>h) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,</p> <p>i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained; such bunds shall be roofed to exclude rainwater,</p> <p>j) off-site disposal of construction / demolition waste and details of how it is proposed to manage excavated soil</p> <p>k) details of on-site re-fuelling arrangements, including use of drip trays,</p> <p>l) details of how it is proposed to manage excavated soil,</p> <p>m) means to ensure that surface water run-off is controlled such that no deleterious levels of silt or other pollutants enter local surface water drains or watercourses.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of environmental protection, amenities, public health and safety.</p>
8.	<p>a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:</p>

	<p>(i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]</p> <p>(ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.</p> <p>At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.</p> <p>b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 “Assessment of Noise with respect of Community Response” as amended by ISO Recommendations R 1996 1, 2 or 3 “Description and Measurement of Environmental Noise” as applicable.</p> <p>Reason: To protect the amenities of property in the vicinity of the site.</p>
9.	<p>All road surfaces, culverts, watercourses, verges and public lands shall be protected during construction and, in the case of any damage occurring, shall be reinstated to the satisfaction of the planning authority. Prior to commencement of development, a road condition survey shall be taken to provide a basis for reinstatement works. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In order to ensure a satisfactory standard of development.</p>
10.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory reinstatement of the site on cessation of the project coupled with an agreement empowering the planning authority to apply such security or</p>

	<p>part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure satisfactory reinstatement of the site</p>
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Board Member

Date: 13/08/2020

Maria FitzGerald